Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and asked if he understood the Tribunal process. The Detainee indicated he understood the process, and when asked if he had any questions regarding the process, stated the following:

Detainee: Yes, I'm ready, but the only thing I have to tell you is that I've noticed in the interviews that there are discrepancies regarding the dates and the nature of the accusations translated in a different way; hopefully it will come up during this hearing.

Tribunal President: That's one of the reasons we're here today, is for you to provide an oral statement, and please, bring up those issues when we're at that point.

Detainee: Yes, I'm sorry that my case is known to be complicated. Hopefully, if it takes a bit longer to clarify, I am sorry. I have been translated by two or three different languages; Pashtu, Farsi and Urdu, and people took my evidence in different languages, so it has become a little bit complicated.

The Personal Representative presented the Detainee Election Form (Exhibit D-A).

The Unclassified Summary of Evidence (Exhibit R-1), and Exhibit R-2 was presented by the Recorder to the Tribunal.

The Recorder then read in full the Unclassified Summary of Evidence to the Tribunal.

The Tribunal President informed the Detainee he would have the opportunity to respond to the allegations, and could make his statement under oath. The Detainee was administered the Muslim oath by the Recorder.

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The Tribunal President then addressed the Detainee Election Form, indicating the Detainee's request for three Witnesses. The Tribunal President determined that the Witnesses were relevant, but were not reasonably available after numerous attempts were made by the State Department to reach them. One Witness was present and detained on-island, and a statement was presented by this Witness (Exhibit D-B) on the Detainee's behalf.

The Personal Representative would read each allegation individually to allow the Detainee the opportunity to respond, but first the Tribunal President permitted the Detainee to make a statement.

Detainee: First of all, I have a little introduction, in the name of God. My name is [redacted] son of [redacted] a resident of the province of [redacted] Afghanistan in the district of [redacted] in the village of [redacted] I was born on the 6th day of the 2nd month in [redacted] My mother language is Pashtu, and I studied until the 9th grade in [redacted] school in [redacted] The dates are approximate; I

[redacted]

hope that doesn't qualify as a lie. We went from [redacted] to Pakistan during the year of 1978 or 1979. I still hadn't shaved at that time; I was a young kid. We chose a residence in Char-sa-dah, Pakistan. I lived with my [redacted], [redacted] and [redacted] and [redacted], and the [redacted]. Starting on that date, we got involved in the clothing business. One of the allegations is that I started a business right after the Taliban came to power, and that is a misunderstanding. We were in Pakistan, and hopefully, we can talk about this later. I think ISI, or the intelligence agency, in Pakistan was asking for money, and I didn't give it to them, and that's when my problems started. I was a very popular merchant, and they said give us some money or we'll sell you out. They sold me to them. It's an amazing story, and I'll tell you guys later at the end when we get there. We did this clothing business for five years in [redacted]. Then from that residence we moved, in 1984, to a camp called [redacted], which was provided for refugees of Afghanistan. While we had our clothing business at the corner shop, we put a cage for jewelry, and we had a glass cage for exchanging money. We had rupees and Afghanis. It was an exchange spot. All the money we gathered and took to the main money market exchange. We got rupees instead of Afghanis and came back. Chaok-e-Yadgar was the name of this place. My money exchange business initiated right there on that corner, and it was small at that time. Then in 1988, I expanded my business and merged with another businessman [redacted] from the Chaok-e-Yadgar. I became a popular money exchanger after that; everybody knew me as a big guy in this business, so I transferred my whole family to [redacted] from the refugee camp. My [redacted] were a part of this business as well. In 1990, I terminated this partnership and made it a family business with my [redacted] only. I further expanded my business to [redacted]. I engaged a partnership with two different people; one a Pashtun by the name of [redacted] and another Punjabi Pakistani by the name of [redacted] That happened in 1993. They were already partners and I joined them as a third partner. When the value of Afghanis would go up in Quetta, we would take advantage of it and did a lot of transactions. Wherever there were benefits, we would consider that location. Dates are approximate between 1992 and 1993. My [redacted] did not like the idea of me opening another partnership, so they separated and started their own business as well. I asked a couple of my [redacted] and [redacted] which were at the same time imprisoned by the Taliban later on. Two years later, that partnership in [redacted] finished as well. I did the [redacted] in 1991, and that is why they call me [redacted] Before that, my nickname was [redacted] meaning [redacted] I lost a lot of money in 1995 in Afghanis. I still had my shop, but I was way behind. In 1996, I opened a money exchange store with [redacted] a marketplace. Between 1996 and 1998, I borrowed a million and a half dollars; it was not necessarily borrowing, but I initiated a transaction with a bank with that money. I was on the 25% end, and the bank was at 75%. I made this transaction possible through [redacted] and he is part of these allegations as well.

Tribunal President: Did you buy in to this business, or was it a loan?

Detainee: No; it was not a loan, it was a partnership. I knew him before the Taliban came into power. I did not get the money from the Taliban, but this agency or bank. A

[redacted]
Enclosure (3)

lot of people were borrowing during Rabboni and Najib's time. They were sending Pakistani rupees when Ariana Airlines began flights to Dubai. Since the airway was open, they were sending rupees to Dubai for exchanging purposes, and they were buying back gold and bringing it back to Afghanistan, and some to Pakistan. When I got the money, I exchanged it into rupees, and 42.2 rupees equaled a dollar. Right at that time, [redacted] had a dropped the price of rupees against dollars, and just like that, one dollar you could get 53 instead of 42 rupees. It kept dropping. I still didn't have my visa at that time to go to Dubai for business, but right away, I lost a lot of business right there. My passport is a part of the evidence here, and 20 minutes after this, you could look at it. If there's any discrepancy on dates, it could be clarified by looking at my passport papers. I lost $250,000 during this situation. At the same time, it took time to buy the gold, and they paid 4,211 Dubai durhams; I bought gold which weighed about 116 grams or a quarter of a pound. Right away, it went down to 3,850 durhams for that much gold, so I took another loss. I didn't have a lot of experience at that time, so I didn't know what I was doing. As it says on my passport, I lost so much money so my partnership with [redacted] fell apart in Dubai. I was then $500,000 behind with the bank, and they took the rest of the money back, which was a million dollars. I was in Dubai for three months and this partnership collapsed; the rest of the money was taken away from me. The money in the Bank of Kandahar was seized. When I was in Dubai, the Taliban put my [redacted] in jail in Kabul. Finally, when they caught him, I was almost put in jail in the same manner. I was only in detention by the Taliban for eight hours. They said I was responsible for this loss, and I would have to officially accept it; by doing this we will release your [redacted] The [redacted] lost his job as well for making business with me. That association with the bank only lasted three months. When I accepted the responsibility for this business failure, they let my [redacted] go. It's all in the record. I came back and started another business with [redacted] who I had business with before. I was still involved in some business in Dubai, Pakistan and Kabul still. After a year with [redacted] the business went bad again, and I found a new partner by the name of [redacted] He had an exchange business in Dubai named Shaeen Exchange. My brother-in-law became a partner with me as well in 1999. The same year I lost everyone else as well as partners. They were done, and I separated from them. I initiated another business between 2000 and 2001 with [redacted] He was in the business of honey. [redacted] then opened a brand new clothing business in Dubai. I knew him for 15 years, and he had a wholesale honey business in [redacted] In the middle of 2001, the clothing business was shut down as well. Putting all these facts together up to today until I was caught, I owe $1.1 million from about 40 different individuals. They would all testify to that. I had become popular for opening and closing businesses, going here and there. Between the Taliban and others, I had built up a controversial reputation. When the Ariana flights stopped and up until I was caught, I was bringing jewelry from Dubai to Pakistan. I had people putting money together so I could do the work for them, and that's how I continued my living. I was bringing gold for people, and they were paying me for labor. For each kilo, I was getting 15-20,000 rupees. I still have the ticket where I was supposed to go to Dubai again in 2002 for those people. That ticket belongs to you guys now. Twenty days after that, I was supposed to meet with ISI to talk about this money I owed. Somehow, in the middle of all that, I was captured. At 10:00 on 24 January 2002, a lot of people were at my house captured me. They blindfolded me, bind my hands and detained me. Two months prior to that they had taken my car away, too. For three days they interrogated me, and said I was accused of smuggling powder and hashish. They said either pay us for these crimes now, or you'll have a very bad future. On the fourth day, they told me the only chance to get out of here was to sell my house for about $100,000, and give the money for them. I became very upset, and started cussing at these guys that they were bad people and I told them off. I told them very bad things. The next day, they called the American forces. What they told the Americans, I do not know, and here I am. I'm really, really sorry this took a long time, and it was important. I told you all the dates, and specifics, and I'm sorry. I am now ready for specific answers to the allegations. I am adding a couple things just to clarify, I'm sorry about that.

3.a. The Detainee is associated with the Taliban and/or al Qaida.

Detainee: I have no relationships or associations with the Taliban and al Qaida. They're all accusations and lies. If you have any proof or witnesses, please bring them on.

3-1. The Detainee admitted he was in business with the Taliban.

Detainee: I didn't know one Taliban before the Taliban government came into power. A man by the name of [redacted] was the president of the Taliban bank. Because I knew him because of this situation, I got into business with the bank, which I told you about earlier. When I lost the money, senior Taliban told me this is your personal deal between the two of you, so they told me I was responsible for that loan. That's why they put my [redacted] in jail. For that particular reason, they were so mad, they even fired the president of the bank. They told me to accept this loss all by myself, or I'd be imprisoned for it. I didn't have a choice but to accept the loss. The Taliban treated me so unfairly, and I had to accept all of it. Finally, I was put in jail as well.

3-2. The Detainee is associated with senior members of the Taliban.

Detainee: My relationship was with the [redacted] of the bank, and I knew him before the Taliban came into power. Due to this situation with the bank, he was fired. Other than that, I don't know anybody else.

3-3. The Detainee started his business in Afghanistan only after the Taliban took control of Afghanistan.

Detainee: As I said earlier, I started the business before the Taliban came. This is not very appropriate to say I started it right after the Taliban came; it's a lie.

3-4. The Detainee served as intermediary for funds passed through the [redacted] Trust.

Detainee: I don't know [redacted] but I know [redacted] he was the charge'-d'affairs of the embassy in Dubai. He was aiding people going to haaj, and he had a

[redacted]

license for that. He gave [redacted] a check for 250,000 durhams to give to me to build a mosque. The mosque was built in Kandahar with that money.

3-5. The [redacted] Trust served as a conduit for funds going to extremist organizations and has provided financial and logistic assistance to al Qaida, Kashmiri extremist organizations, and Pakistani sectarian groups.

Detainee: Again, I don't know [redacted] Trust. Somehow, [redacted] was mistranslated to this; is this a mistake of a translator, or someone else?

3-6. The Detainee is allegedly involved in smuggling gold for al Qaida.

Detainee: I took some Pakistani rupees in 1998 to Dubai from Kabul. I was bringing back to Kabul and Peshawar red jewelry, or gold. I was also being different kinds of jewelry and distributing it as well. That was my business all the time, up to today. I don't know what's going on with the business right now since I'm in prison. A lot of people are doing this, going to Dubai and getting gold.

3-7. The Detainee paid for a senior member of the Taliban to travel.

Detainee: I was buried in losses; I'd lost lots of money. Should I pay for my losses, or pay for the Taliban's tickets? This accusation is not logical.

3-8. The Detainee purchased vehicles for the Taliban.

Detainee: I still had my own problems and bills to pay; I wasn't in shape to buy vehicles for the Taliban. Should I pay my loan, or should I buy cars for the Taliban who had treated me brutally? This is not correct; you guys just think about it.

3-9. The Detainee facilitated transfers and exchanges of funds from Usama Bin Laden controlled accounts for the purchase of surface-to-air missiles for al Qaida.

Detainee: I only heard the name of Usama Bin Laden; this doesn't make sense, and has no reasoning behind it at all.

3-10. The Detainee is an associate of Usama Bin Laden.

Detainee: The name you're mentioning, I have no relationship with. These are reasonless accusations. All of these accusations have been orchestrated by the ISI of Pakistan, and they are my enemies. There is no truth behind it. I'm not afraid to say anything; I'm a businessman, and I have not lied to you at all. I will answer all of the accusations you have against me. I'm so worried about my kids, and they are doing amazingly hard labor. I don't know their future since I'm here. This is very unfortunate that three times I was treated so brutally; once by the ISI, then the Taliban, and now you guys.

Tribunal President: At this time, we may have some questions for you; would you be willing to answer some questions we may have?

Detainee: If I have the answers, I'll give them to you.

Tribunal Member Questions to Detainee

Q: I agree it doesn't make sense that you would buy cars with money you didn't have; what I wanted to ask you was did the Taliban ever ask you to buy a car with money the Taliban gave you?

A: I was accused of getting their money that I lost and never paid, how could I get money from them again to do something else for them? You think about it; if someone owes you money, are you going to give them more money to go buy something else for you?

Q: In your exchange business, did you deal with any other currencies other than rupees, Afghanis or durhams?

A: It was mainly Afghanis and rupees until 1998. I then dealt with dollars and durhams when I went to Dubai. I was the money guy, so I took the rupees and exchanged them in Dubai to get durhams and returned. It was an amazingly common business a lot of people do. A lot of people in Pakistan do this because the dollar is cheaper in Dubai, and when you bring it to Afghanistan it is more valuable. You have to know where the business is to make money. If I was released tomorrow, I'd do the same thing.

Q: You mentioned a specific exchange of 4,211 rupees into durhams; what is the largest transaction you've had in dollars?

A: My biggest exchange I already told you was a million and a half. Turning it into rupees went from 38 up to 53; I took those rupees to Dubai and changed them into durhams, and then I bought gold with that; about a quarter of a pound. When I took the gold back to Kabul and Pakistan, it just depended on what was hot at the time.

Q: So there were times when you had over a hundred dollars on you?

A: I got the million and a half in dollars in bags from the bank. I took it to the markets where the money was just right in front of you.

Q: What was the size of your security force you would have?

A: Even though I was against the Taliban, I'll tell you one thing, when they were in power, you could not take someone else's money; there was no stealing. Even though I was put in jail, this was a fact there. There was a lot of security. I'll give you one example. I ended up, through a trip from Dubai with a lot of gold, where I couldn't land in Kabul, so I had to go to Kandahar. I had all the gold with me and no one bothered me, and I didn't need security. When I took the money from the bank to the market, I could just walk to where the money exchange place is.

Q: It doesn't make sense to me to have a million dollars in cash not gathering interest somewhere; how long would it take to convert that money?

A: Because we are Muslim, we do not charge interest. It is against Islam. I already told you all that I did with the money, and this could be verified. Even the detainee here in the camp I had an encounter with confirmed who I was, that he knew me, and about the money with the bank. Even he confirmed that I took the money from the bank, and they couldn't decide what to do with me and had to consider it a personal issue with the president of the bank. I told you what happened to me when I borrowed the money; I told you how I lost money there in three different categories. If you want more witnesses, I can provide them. I owe about 40 people money, and this relates me to all these situations that I was a money merchant. Three of those are in Dubai, and the other 37 are back home; unfortunately I owe money from these businesses. I have no reason to lie to you guys.

Q: Are you having any problem with the translator today; is everything being translated OK?

A: It is very, very good.

Q: It appears you understand a little bit of English; do you know English as well?

A: I know how to say one, two; I listen to people in the camps here. English is penetrated by Urdu, and I picked up a few English words from the Urdu speaking people in Pakistan. All the financial calculations in Pakistan are done in English.

Q: Why did your family leave Afghanistan in 1978?

A: At that time, the Russians were involved there and looking for the head of every family. We had to flee to Pakistan. They captured a lot of people and whether they are alive or not is not known up until this day. For example, the father-in-law of my father-in-law was taken away, and we never saw him again.

Q: Did you ever have any military training or fight the Russians?

A: I don't even know how to fire a gun; I was a businessman. My mother and father wouldn't even suggest I would do something else.

Q: When you traveled from Afghanistan to Pakistan to Dubai, did you fly or drive? How did you travel?

[redacted]

A: When Ariana flights were open, I used to fly to Dubai. When the Taliban came, they stopped the flights to Dubai; I then used PIA (Pakistan International Airlines) to go. I sometimes used PIA even though Ariana was flying there from Pakistan.

Q: Would you consider yourself from all your businesses to be wealthy or rich?

A: I had a great life up until 1995. From there on, I really got hurt in the business, and I stretched a hand to everybody to get involved in the business. When the Taliban came, I lost money. Mainly between 96-on, every business I acquired I lost money. I got hurt in business more so conducted verbally by a company by the name of [redacted] They would say I would give you this house if you would do this for me. It is written on this paper that I gave these services, but I lost a lot of money because I gave up my assets. It's almost like shares in the stock market, but it's not done through a system; it's done personally. I lost a lot of money. I had a great deal until 1995, and I was very, very popular.

Q: One final question; regarding the large sums of money; did you take that when you flew from Pakistan or Afghanistan into Dubai? Were you ever worried someone would confiscate that from you at the border or at customs?

A: I had the money with me on the plane on Ariana Air or PIA; people have their suitcases with money or whatever their business. They have full briefcases when they go, and there's no law against it. Finally when the Taliban came, they applied a tax on that. I don't care how much money you took; no one said anything. From Pakistan, you could take up to $10,000 by plane. There was no rule between Kabul and Dubai. Things were fine going through Kabul, but after this 1% tax, it became a lesser profit for us. It's a common thing up to today that people take money.

Tribunal President Questions to Detainee

Q: You said you had to accept the loss when your [redacted] was in jail; did you have to sign any paperwork?

A: The way it went was that I was in Dubai when he was put in prison. Nine hundred thousand dollars of the million was taken and confiscated by the Taliban. They called me in Dubai to say my [redacted] was in prison. I flew to Peshawar from Dubai. They told me it was better not to go to Kabul, because they might be waiting for you. I had a gathering with my [redacted] in Peshawar to talk about this. They said the Taliban would put you in jail; they're very stupid, so don't go. I said it doesn't matter, that they'd catch me anyway, and my [redacted] was in jail because of me. I thought they were Muslim, and I'd explain how things went and I trusted them. You cannot run away from a government, and my shop is there as well. The final decision was that I had to go and deal with the situation. I went straight to the [redacted] and asked why my [redacted] was in prison. He said not to worry about my [redacted]; you and I are even in trouble. They called us up to Kandahar. Me, him and another friend and a driver drove a day and a half on a

[redacted]

bad road to Kandahar. I went to my [redacted] house; I don't know where he went. First, we stopped at the Taliban's guesthouse. At that place, we got some rest so we could talk to the people tomorrow. I had nothing to worry about; I was pretty much in control. I said why are you concerned and he said not to worry about it. I changed and cleaned up at my [redacted]. When I returned to the guesthouse the next day, there was [redacted] and two additional people. Then he introduced the two people to me as [redacted] and [redacted] That was when the passport happened. He told me that these people are in charge of processing the loss we caused these people. They asked me what happened, and I said everybody did business with the bank, why do you not ask the [redacted]. Above all, I was only in to this 25%, and the bank 75%, and I told them the story I told you guys about Dubai, the gold, and all the businesses. They asked for receipts of how this happened. Immediately I got on the phone and called Dubai, Peshawar and Kabul, and I asked them to send me all the available transactions I'd done, and fax them to me. He said it was supposed to take until the end of the day to get the faxes. One day passed to do all these things. The next day we were at the table with all the faxes I'd received. They went through some of the paperwork, and later on, they were one group, and I was separated from them. They couldn't read or understand the faxes, but said you owe us money. The guy [redacted] ripped up the faxes, and said we don't know about these papers; your cousin is arrested, and you are here. I asked what my options for a way out were. He told the Taliban that the Islam rules did not matter, and you had to accept this loss. I said there's no other way for me to come up with the $500,000, because I have a car, a rental and a house. They separated from me to talk and then came back. The [redacted] did not say anything at that time. They told me I had nothing to do with the bank anymore. He said I would deal with him only, and sign these papers. He multiplied it by 53, or whatever rupees were at the time, and he said I owe 5 million rupees, and I'd bring the money, and I'd get a receipt for each delivery. He said I was going to accept that, and then you and your [redacted] would be released, and that he was expecting payment. I was afraid of owing 500,000, so I said change it into rupees figure, so I will owe you in rupees not in dollars, in case they go up. He said I'd be making payments to him. I couldn't resist, and I started crying because I felt so hopeless; I said fine, I owe you money. I want to grab him by his shirt when I see him in the other world. I did not see the [redacted], so I had to take a taxi back. He was fired on the spot at that time. I started paying this loan back. I gave merchandise and whatever I had to pay these people. I borrowed money from everyone else to pay the Taliban. I was just about done paying them, but they were so stingy because I couldn't make my payments for a while, so they called me and they detained me again. Finally, my other [redacted] talked to them and convinced them it wasn't fair to keep me there and they let me go. As of today, I still owe them the balance. I had the money ready for them, and was going to make my last payment, but I was caught by the ISI. All of those payments I made to them I made copies of the transactions. If I could get to a phone or fax machine, I could have them ready right now. From 1998 to 2001, I was paying for this. This was exactly what happened. That's a lifetime of brutality by the Taliban on someone. Then I was caught by the ISI and given to you guys. I grew grey hair here. I swear to Allah and to God that I did not say anything that was not true; it was completely true what I have said.

[redacted]

Tribunal President: (addressing the Detainee) I'd like to thank you for participating in this Tribunal today.

At this time, the Personal Representative presented a statement from [redacted] as Exhibit D-B to the Tribunal. The Tribunal President confirmed that the statement had previously been provided to the Detainee for his review. For clarification, the Tribunal President read aloud the statement from the Witness. The Detainee made the following statement regarding Exhibit D-B.

Detainee: When I talked to the other Detainee, I found out through him that he'd gotten involved in my case.

Tribunal President: Otherwise, you weren't aware of it prior to coming here?

Detainee: Yes; he told me about this loss and that he was aware of it through the Taliban government because he was a part of it. He knew about it. I wish he'd have been here himself.

Tribunal President: That would've been the most ideal. Do you want to make any other comments about this statement (Exhibit D-B)?

Detainee: All it says there that I wanted to hear was that there was a loss by me throughout this loan situation. One thing I have to say, is that I told you all the information, and all the info in front of you I was never asked about. I did things I shouldn't have gotten in trouble for. I told the interrogators things even my children don't even know.

The Tribunal President again thanked the Detainee for his testimony and explained the remainder of the Tribunal process. Upon reading the remainder of the instructions, the Detainee interrupted and stated the following:

Detainee: In the room, I didn't like the way things were translated with [redacted] and [redacted] and I want to make sure my case is clean before it is sent.

Tribunal President: The Personal Representative will review the transcript, and that is also the purpose for you being here, so that you can clarify and give us information rather than us only looking at what information we already have.

Detainee: One of the allegations is that I took some funds from [redacted], and I was accused of giving them to Taliban interests; that was for the mosque. They gave me a check to give somebody, and now my foot is in it. I did a favor for those guys because I had a license in a corporation; I did a favor for the people by building a mosque, and now, for doing that favor, it is now an allegation in the case against me. I don't know much about [redacted] at all, and it's a big part of my case. I never heard their name, and here it's a big portion of my allegations. It's OK; I already talked about this in my interrogations, so maybe that will help. Hopefully, the interrogation papers will be a part of my case that goes to Washington, D.C. They are working on my case from 1998, and they can make correction through 2002, and then it will come to you, and you can go ahead and send it.

The Tribunal President then adjourned the open session.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, U.S. Army
Tribunal President

[redacted]

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Initial Interview [redacted]

[redacted]

Election: Detainee WANTS to participate in Tribunals.

Detainee's Dictated Statement:

3-1. I am not fit to be a member of the Taliban. You become a member of the Taliban if you have a close relationship or contact with them. I am not from a place that Taliban belong to or where in power. I do not have any connections or close contact. No relative or friend of Taliban. The Taliban came to Northern AFG, [redacted] after 8yrs. This area for so long was not in control of the Taliban. All my entire life, I run my business, a store to sell herbs. I was the wholesaler I sold to smaller businesses. For this reason, how could I work for the Taliban?

3-2. At the time the Taliban came, my [redacted] was working for the former communist GVT as a Clerk. When the Taliban came, they took all the people who worked for the former GVT and put them in jail and tortured them. When they came to take my [redacted], I talked to the Taliban and his [redacted] hid. Then the Taliban said they would not abuse him and I should bring him out of hiding. At that time my [redacted], [redacted] and myself all went to the office of the Taliban. They told his [redacted] that he must stay. My [redacted] told me not to leave and to stay with him so the Taliban would not hurt him. The person who took us to the office was [redacted], he was in charge of the police precinct. After 4 days he left to go somewhere and told 4 Taliban and Us to stay and that he would be back. He came back after 2 months away and let us go. I went back to my regular job and my [redacted] went back to his home. We are from the North and the Taliban are from the South, how could they trust me to be police?

3-3. Only the 2 months I stayed we were under house arrest and I was not allowed to leave. I was the only person who could read and write. My [redacted] could read and write but he was not allowed to sign because to the Taliban he was a communist/infidel. So, I signed because the Taliban that were left behind with us told me to sign. That was only for 2 months that I was made to sign documents.

3-4. I never did this. I live close to the [redacted] police precinct, the area under the Taliban control, how is this possible I could take my own people and give to the Taliban. If I did this in my place, how could I ever live there and face these people. This is an unlawful place, anybody grabs anybody.

3-5. The whole thing is False. When the Taliban came in power, they opened 3 courts, a civilian, and military, and secret courts. Nobody would do this. I was not ever allowed to leave the area for those 2 months, how could I take money? If caught by Taliban, they would cut off my hand. Nobody takes money from nobody in Taliban times.

3-6. After 2 months when released, the same guys who arrested me came to me and told me that I have to work for the Taliban.. I asked them and told them I have knowledge of herbs, if you want me to work for you, how about a job with the Dept. of Agriculture? I wrote the resume but I do not know were it was brought to. After 10-15 days he came back and told me I have to go to [redacted] a city to be the supervisor for the company. The company was looking for petroleum. All the equipment was destroyed and robbed by General Dostrum. All we did was sit around all day, there was nothing to do, no equipment, no paperwork, no plan from the Taliban GVT.

3-7. There was no official recognition, not the kind of power of communication in the North, they would take anyone who could read and write and make them do these positions.

UNCLASSIFIED / FOUO Exhibit D-6

3-8. Not True. That many people may have been there in the time of the Russians when they controlled it. There were only 100-150 people, we did nothing. Nothing to do. Right now there even is not that many people. There never was any equipment to be in charge of that many people. The whole area could not support that many people. I had the list of the people there and there was never that many people.

3-9. I was only there about 6-8 months then the Taliban put their own people there. The Governor of Taliban hired another person. The Minister did not want him and the Minister sent another guy and there was a dispute between these two people that almost took a year. Finally the person the Minister sent became the supervisor.

3-10. This was not a personal document, this was a newspaper article. Everywhere this was posted, it was not even in Pashtu, or Farsi, or Dari language, only in Arabic. It was not in his name or sent to him in the mail, it was FREE to take from everywhere. One day Iman came to his store to get some herbs medicine, the article was with him and rolled up. When he took his medicine, he left the rolled up article behind. I kept it and took it home to keep it for him, and I forgot about it.

3-11. I am not Uzbekistan, I have no relationship with them. I have no business with them. I never joined any group ever.

Additional Comments:

If I did not help my [redacted], non of this would not have happened.

My life is my witness, my job is my witness. The Americans took pictures of my store, they searched my store.

[redacted]

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee said he understood the process. The unclassified summary of evidence was read in full to the Tribunal by the Recorder. After the evidence was read, the Detainee interrupted the proceedings and stated the following:

Detainee: Please tell me when it's my turn to speak, because I don't know what is going on here.

Tribunal President: We will tell you. I'll address you by name and the translator will let you know when it is your turn.

Detainee: Sure, no problem. Any time my name is mentioned, I will start speaking.

The Tribunal President then asked the Detainee if he would like to take the Muslim oath.

Detainee: Anything to make you believe, I will do that. If it's your wishes for me to swear, I will do so.

Tribunal President: It's up to you if you wish to. We will accept your oral statement either way.

Detainee: Anything to make you believe me. I will do it that way. I will present you with my verbal statement.

Tribunal President: Either way will be accepted.

Detainee: If you tell me to swear, I will swear. If you tell me not to swear, I will not swear. I have the witnesses all over my province.

Tribunal President: We can't make that selection for you, so why don't we just proceed.

Detainee: Please start.

Personal Representative: When we met, we discussed that I would read these first, and then you could say more, do you still wish to do it that way?

Detainee: What do you mean? What should I say?

Personal Representative: When we met, I wrote notes down. Do you want me to read these first, then say more if you want to?

Detainee: If you want to read it, read it. I know what I told you, so I could say the same thing.

Personal Representative: OK. I'm going to read it, and ask you if you want to say more. On 3.a-1, it states that on 22 February 2003, you were involved in a firefight with United States Special Forces. The detainee's written response to the Personal Representative (as read by the Personal Representative) was as follows:

It was nighttime. I heard firing about midnight, or between 3 and 4 a.m. Where I lived, there was lots of fighting going on all the time between each other, and lots of thieves in the area that robbed people's homes at night and killed the owner. I was sleeping when I woke up because of the fighting. I came out of my bedroom to the center of the courtyard. I heard firing. This time I was scared and I thought some thieves were coming.

Personal Representative: (3.a-2) Regarding that the detainee admitted to firing his weapon in the firefight (the Detainee then interrupted).

Detainee: I didn't say I fired my weapon in a firefight.

Personal Representative: That is the second accusation, and I'm going to explaining it. He (the Detainee) stated the following (in previous discussion):

I fired three times in the air to scare the burglars away. Then after that, flares went up into the sky and lit up the sky. When I saw the light, I stopped firing. I was able to see muzzle fire from weapons. So I stood in the courtyard for 5-10 minutes, and did not move. Then aircraft came and I understood then that it was not a burglar. The airplanes came a second time and dropped a bomb, and I was injured. After that, I don't know what happened. I never worked with the Taliban, or talked with them or ate with them. I was a bus driver.

Personal Representative: (3.a-3) Detainee knew that he was fighting soldiers during the firefight. He (Detainee) said to me (from notes previously gathered):

I never saw soldiers to fire at. I never knew which way the firing was coming from. The only time I fired was three shots into the air when I came out of my bedroom.

Personal Representative: (3.a-4) During search of compound for weapons cache, detainee fired with intent to kill or harm U.S. forces. We talked and the detainee had stated the following:

I never fired during any search. After the bombing, I was injured and laid there until morning. My [redacted] took me from the courtyard to a room in my house. My [redacted] was outside the house and came back in to tell my [redacted] that lots of cars were coming. My [redacted] said, "No problem, it's good they are coming." When the

ISN# [redacted]
Enclosure (3)
Page 2 of 14

American Army came inside, they helped him to control the blood, and took me to a hospital. My [redacted] told me the Army was coming there to help him.

Personal Representative (to the Detainee): Would you like to add more?

Detainee: I have one question to ask the American forces. How did you know where I lived and how did you find me? Who told you the wrong accusation that you came to my house?

Tribunal President: The only information we have about you at this point is the unclassified summary.

Detainee: My house is in the middle of all the other houses. From my house, you cannot fire upon anyone. When I thought the thieves were coming to steal from my house, I went outside and fired my weapon three times in the air.

Personal Representative: (3.a-5) I'll go on to the last two accusations. This one says the Detainee received wounds consistent with grenade injuries.

Detainee: All I can say is I was not wounded by a hand grenade. The aircraft threw a bomb, and one could see it broke all the windows in my house, and everybody knows about that.

Personal Representative (to the Tribunal): That is what he said to me. He only remembers being injured from the bomb in the courtyard.

Detainee: Yes. The aircraft threw a bomb.

Personal Representative: (3.a-6) The last accusation says the detainee knew that the compound to be searched belonged to a member of the Taliban.

Detainee: Nobody could tell me that the place I was arrested belonged to the Taliban. No Taliban checkpoints existed in my area. Everybody in my area knows we have a large compound. There is no Taliban around us.

Personal Representative (to the Tribunal): He also stated that he has lived there all his life and has never left there.

Detainee: I want to add that even my [redacted] was born in the same compound, in the same house.

Personal Representative: One last statement that he said to me was (from notes):

If I was fighting Americans, why did they not take me that night? My [redacted] got them, the Americans, and brought them to me because I was injured.

Detainee: All I want to add is, why when I was injured did they not capture me? Why did they go back to the bazaar or marketplace, then come back the next morning to capture me at my house? If I did something wrong, they should've captured me that night.

Personal Representative: That's the end of the accusations. Are there any more statements you'd like to make?

Detainee: I want to add that we were not the Taliban, and didn't need to be afraid of Americans. The Americans did not know where I lived to arrest me; my [redacted] went to them (Americans) to bring them over. My [redacted] is still writing in the letters that the Americans took me because I was injured, and when you are better, they will release me. He is still saying this. (*The Detainee had letters with him*) I wrote him to tell him that my leg is better and am not in hospital, and I'm ready to come home. My [redacted] wrote and asked, why then if you are not in the hospital and you're wounds are better are you still in jail? My [redacted] said the Americans promised me they would let you go; why aren't you coming home?

The Personal Representative then presented the Detainee's [redacted] letters to the Tribunal President.

Tribunal President: Had you previously talked to your Personal Representative about witnesses?

Detainee: I spoke to him. He knows and I told him I would swear when he asked me about witnesses. The whole province knows me, that I was a driver and not working with the Taliban whatsoever. I am very happy to be in the Tribunal, because for the past one-and-a-half years, nobody asked me any questions. My [redacted] keeps writing me asking me why I am not coming home. What should I write him?

Tribunal President: I'm sure it would be difficult to answer that for you. The people that knew you that could say you weren't Taliban would not be relevant. Right now we have no accusation against you that says you were Taliban. Would that be all right if we asked you some questions?

Detainee: I am ready to answer all of your questions. If any individual comes forward and tells you that I was a member of the Taliban, then I am wrong and I told you lies. I was not a member of the Taliban.

Tribunal President: Thank you.

The Tribunal President then asked the Personal Representative if he had any questions for the Detainee. The Personal Representative stated he would, and asked the Detainee the following questions:

Q: Could you explain what kind of driver you were?

A: I had a big bus to drive, and the bus was next to my compound when the Americans came. They saw it. I was driving that bus for a long time. Recently, before my capture, I bought a station wagon.

Q: Do you have any idea why the Americans came to your village?

A: You should answer that question because we were against the Taliban. During the Taliban rule, we could not play tapes or cassettes. After that, we could play tapes. We were happy. They (Americans) came to build our roads.

Q: Did you ever see any uniformed fighters or any fighters firing at you in your direction?

A: I did not see any soldiers with uniforms. I thought that it was thieves. When I heard the gunfight, I went outside and fired my weapon towards the air. I did not know they were Americans, or that they belonged to any government. I did not see anybody.

The Personal Representative then stated he had no further questions. The Tribunal President then asked the Recorder if he had any further questions. The Tribunal President then asked if any Tribunal Members had questions for the Detainee. At this time, one Tribunal Member wished to address the Detainee.

Tribunal Member Questions

Tribunal Member: (to the Personal Representative) Before I address this gentleman, I would like for him (the Detainee) to give us a sketch; is there a particular pen they are allowed to use?

The Detainee then interrupted and addressed the Tribunal Member

Detainee: I don't know how to write even my name, how could I draw something?

Tribunal Member: (to Detainee) And just so you know I'm not interested in any words, I'm more interested in a stick picture or sketch of your compound.

Detainee: I could tell you my house was in the middle, and surrounded by different homes. You could have the pen and draw it. You could go to my area and see the compound to see if I'm telling the truth or not. You could go to my area and see. This is not a lie; this is not the time to lie, I would not lie.

The Recorder then excused himself momentarily to locate the supplies needed for the sketch. The Tribunal Member announced that the Tribunal would wait until the

Recorder returned with the materials. Upon the Recorder's return, the Tribunal Member announced that the Detainee indicated he would be more comfortable describing the layout of his compound (for the sketch) to the Tribunal Member. At that time, the Tribunal Member approached the Detainee with the blank paper and pen for the drawing. The Tribunal Member knelt in front of the Detainee and took instructions from him describing his compound. The paper was also placed in front of the Detainee so he could draw directly on it to clarify the layout of the area he was from. This layout included the Detainee's home, surrounding homes, the courtyard, a garden and area roads and rivers.

Detainee: When you go to my house, you will see that it is surrounded by other houses. This is the front of my house (referring to drawing), and you can't see anything because these houses block our view.

Tribunal Member: I am going to place the letter "D" for the Detainee's house in the middle of the circle (on the drawing).

Detainee: This area is a big garden. We have a pomegranate garden.

Tribunal Member: (still knelt in front of Detainee) Then I'll write garden here. When you say garden, what kinds of things are in this area?

Detainee: We have huge garden. There are grapes, plants, and pomegranate trees.

Tribunal Member: Is there a road anywhere near by (referring to the drawing)?

Detainee: The road is all the way up in front of our house.

The Tribunal Member continued to take direction from the Detainee as to the layout of the area, and applied it to the sketch. The Tribunal Member remained directly in front of the Detainee, and referring the Detainee's attention to the sketch, asked the following:

Tribunal Member: When you stepped out into the courtyard, where did you step out to? Put a dot where you stepped out to.

Detainee: Just (place a dot) in the middle of it. We have lots of rooms in our compound. I left the room, I went to the courtyard and I stood in the middle of it.

Tribunal Member: In the middle of this circle, here, that I'm pointing at now?

Detainee: The dot is where I was standing.

Personal Representative: His house has a specific courtyard.

Detainee: You did not see the compounds in Afghanistan? Our house was 40 meters by 40 meters. For example, my compound has rooms with 6-7 meter tall walls. We built a huge door and 6, 7 or 8 rooms inside.

Tribunal Member: I think I understand the layout of the compound. Would the Personal Representative mind if we submitted this exhibit (drawing; labeled D-C) on the Personal Representative or Detainee's behalf?

Detainee: It's good you understand about my house. When you stand in the middle of the compound, the walls are too tall to see outside.

Tribunal Member: I understand that. I just have a few more questions for you.

Detainee: Please, I'm ready for your questions.

Tribunal Member: At your house, who did you live with?

Detainee: My [redacted] and my [redacted]

Tribunal Member: Anybody else?

Detainee: My [redacted], [redacted], my [redacted] chickens and cows all live together in my compound.

Tribunal Member: How old are your [redacted]?

Detainee: I swear I don't know about my own age. We are [redacted].

Tribunal Member: Are you the oldest?

Detainee: Yes.

Tribunal Member: You don't know what your age is?

Detainee: No.

Tribunal Member: What type of weapon did you use?

Detainee: Everybody has a machine gun, or Kalashnikov in their home.

Tribunal Member: How many Kalashnikovs do you have in your home?

Detainee: I had one.

Tribunal Member: Did anybody else in your house have a Kalashnikov?

Detainee: No, we had only one.

Tribunal Member: Did you have any other weapons in your house?

Detainee: I did not need to have any other weapons. The reason this was kept was to defend our home from thieves, or someone that might come to take our ladies away.

Tribunal Member: I just want to clarify. So there weren't any other weapons, just the one Kalashnikov?

Detainee: Yes.

Tribunal Member: Are you the member of any political party?

Detainee: No, no. I don't know about any political group. Everyone knows me as a driver.

Tribunal Member: Have you ever been a part of the military?

Detainee: No, no, no. I never went to the military. I was a bus driver; I was driving my bus.

Tribunal Member: Ever had any weapons training at all?

Detainee: Nobody trained me but everybody has a machine gun and knows how to use it.

Tribunal Member: Do you have any enemies?

Detainee: I don't have an obvious enemy. In Afghanistan, everyone has enemies. This letter (from my [redacted]) indicates thieves came and stole my station wagon. When I bought the station wagon, I was taking passengers from one point to the other. My [redacted] letter makes reference to a time when my car was stolen at gunpoint, and the thieves took me out of the car and took it away from me. You could see the exhibit here (letters) that my [redacted] makes reference to the time my station wagon was stolen. He (the [redacted]) says things are that bad (still).

Tribunal Member: When did that happen in relation to your arrest?

Detainee: I have been here almost two years, so it was the Ramadan before that. It was two Ramadan's prior. This is the third Ramadan (now). I spent two Ramadan here.

Tribunal Member: Describe for us the gunfire that you heard.

Detainee: Basically I left my room to the middle of the compound when I heard the gun's firing. I did not know from which direction it was coming from. When I heard the gun firing, I thought they were thieves, so I fired three rounds into the air. After that, I saw two big lights (flares), and thought to myself, what is going on.

Tribunal Member: Could you tell the direction the gunfire was coming from?

Detainee: I don't know. When I left my room to go into the middle of the compound, I did not know from which direction it was coming from. I was standing at the same point for 5-10 minutes. After that, I saw two big lights on top of my house. Then I decided that no, these are not thieves; this is something else. The thieves cannot have this (flares). I was standing for 5-10 minutes and saw an aircraft pass my house first. Then when it returned and threw a bomb on me while I was standing there.

Tribunal Member: One thing you testified about I'm a little confused about. You said you lived in this location your whole life. You also mentioned there was some Taliban near where you were living. Is that correct?

Detainee: I did not see (the Taliban). If you can prove to me that a Taliban or member of the Taliban crossed my house or area then I am guilty.

Tribunal Member: Did you ever tell anybody that members of Taliban lived in your area?

Detainee: I am responsible for my own house and my own neighborhood. I did not see any Taliban members come to my neighborhood, but I'm not responsible for the village. Probably the Taliban came to the village; I don't know. I'm not responsible for the village; I don't know if the Taliban came to the village or not.

Tribunal Member: Was anybody else arrested with you?

Detainee: I don't know; I was wounded. I could not even see. I don't think somebody else was arrested.

Tribunal Member: Were you unconscious?

Detainee: I could not see or speak, but I could hear the background noises. I could hear my brother say there were cars coming.

Tribunal Member: Was it dark?

Detainee: No. I told you it was the next morning. A big piece of shrapnel hit my head; I don't know. It took a piece of bone out of my head. I also have a wound under my right eye you can see. My eye was blinded because I could not see; my eyes were closed.

Tribunal Member: Both eyes?

Detainee: One piece of shrapnel wounded me in the left side of my head; the other one wounded me under my right eye. Both were bloody and I could not see anything. My cheekbone was broken, then my leg and then my body (were hurt). That was too much to talk about.

Tribunal Member: What did your [redacted] do for a job?

Detainee: At one point he was a shopkeeper, but he does not have the shop any more.

Tribunal Member: Was he Taliban?

Detainee: No, no. If anybody tells you that he was a Taliban member, then I am guilty. The Taliban did not even cross my house or the surrounding compound.

Tribunal Member: Thank you for answering my questions.

At this time, the Tribunal Member then allowed the other Tribunal Member to question the Detainee.

Tribunal Member: Is that letter from your [redacted]?

Detainee: All of them are from my [redacted].

Tribunal Member: What does that letter right there say?

Detainee: My [redacted] wrote in the letter that the Americans promised him that they were going to take me to the hospital in order for my wounds to get better. They (the Americans) promised they would release me. My [redacted] is writing asking why I wasn't released. They promised him.

The translator then read a passage directly from the Detainee's [redacted] letter.

Translator (from Detainee's [redacted] letter): The Americans told me you don't have any problem, so why aren't you released? You try your best to cooperate, and I will send letters to the Americans asking them why you are not released. It indicates in the letter that they took you to heal your wounds.

Detainee: Please read the whole letter.

Tribunal Member: Earlier when we asked you to draw a picture, you stated you could not read or write, so how could you draw?

Detainee: I told you that they put me through Pashtu class here over the past two years. I learned how to write and I learned how to read.

Tribunal Member: That's not what you told us earlier when we asked. You said you could not read or write. The reason I bring this up is that I would like for you to tell us the truth, so we could ask questions.

Detainee: I told you that they put me through school here. All I know is how to read a little bit, and how to write my name. When the gentleman asked me to draw, I drew circles of my house.

Tribunal Member: Did you hear a lot of gunfire before you fired your gun?

Detainee: I was asleep and was awakened by the sound of the gunfight. Then I went to the compound and heard another round of firing. At that point, I fired three rounds into the air.

Tribunal Member: How many guns did it sound like shooting?

Detainee: When I was awakened by the sound of the guns, I didn't see which direction they were coming from or the weapons that they were using. At that point, I was afraid. I was scared. When I heard the second round of gunfire, I took my weapon and fired three rounds into the air. After that, I saw two flares, then the aircraft on top of my house. After that, I did not see. I do not know what happened.

Tribunal Member: I understand that. If you thought they were thieves, who did you think they were firing at?

Detainee: I don't know who they were firing towards. When I came outside I thought if they were thieves, they'd run away when I fired my weapon. I'm not lying to you. You could go to my area and see that you couldn't fire at anyone from inside the compound. You could ask the people about me. My [redacted] will take you to my compound and you could see the bomb crater in the middle of the courtyard.

Tribunal Member: Did you see anyone in the compound firing at what you thought were thieves?

Detainee: No, no. Nobody else was in the middle of the compound. I confess that I fired three rounds into the air. I confess that. I'm not against the Americans and I am not lying. I was not working for any government or against any government. I told you I fired my weapon, and that is what I confessed to.

Tribunal Member: Did you live in a small or large village? How many houses?

Detainee: 15-20 homes in the village

Tribunal Member: You lived there all your life?

Detainee: Yes. I told you my [redacted] was born there.

Tribunal Member: Did you know the other people in the 15-20 homes?

Detainee: Obviously, they are my villagers.

Tribunal Member: You did not know if they were Taliban?

Detainee: No. No Taliban in our village. I cannot recall that I witnessed the Taliban. Probably Taliban came to try to contact some people. I left in the morning for work, and at nighttime I came back. I was busy. Every morning I took my car to the bazaar, and every evening I came home.

Tribunal Member: Where is your village in relation to a larger city in Afghanistan?

Detainee: No more large cities; I am close to the province.

Tribunal Member: Your village is not near Kanduz, Kandahar, Jalalabad or Khost?

Detainee: Only city that I went to was Kandahar to buy stuff, but it was not close to my village.

Tribunal Member: No more questions; thank you.

Detainee: I am ready to answer all of the questions that you have. My dear brother, you could ask anybody, even the ladies or little kids in my area, that I was a bus driver and nothing else.

Tribunal President: Did the bus belong to you or a company you worked for?

Detainee: No. It was my personal bus. I would go to the bazaar and pick up passengers. We buy our own car and pick our own passengers.

Tribunal President: Where did you normally take your passengers to?

Detainee: Every morning, I started my bus, and went towards the bazaar. I was driving down a road, and anybody that raised their hand I would pick up. I took them to the bazaar. At the bazaar I would take the rent. I was stopped at the bazaar until my bus was full again. When it was full, I left and went towards the village.

Tribunal President: So your normal passengers were villagers from your home?

Detainee: They are not all my villagers. They are people from my province. I go to the main road and pick up anyone that raises their hand. I take them to the bazaar and then I take them home.

Tribunal President: Could any of your passengers been Taliban? Would you have known?

Detainee: How would I know? Anybody that raised their hand I would pick up. Probably they could be Taliban, but I did not know if they were Taliban.

Tribunal President: Is there any way that you could identify that someone was with the Taliban?

Detainee: No. I don't know. If they were Taliban I could not know. There were 60-70 passengers, ladies, in my bus, how could I know?

Tribunal President: You traveled the roads a lot, had you already seen U.S. forces in your area?

Detainee: No, I did not see. Nobody told me the American forces were in our area. In the marketplace, though, I saw the Americans riding in their cars.

Tribunal President: How far is the bazaar from your village?

Detainee: Approximately one hour or less than an hour driving. It takes one hour because of stop and go; you don't drive fast. I have to drive slow so I can pick up passengers.

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: I thank you for coming, because I want you to tell me why I am still here in jail. If you did not bring me here, I would be in my cell and nobody would ask.

Tribunal President: And again, all we know about you at this point is what they put on this piece of paper. We appreciate hearing your side of the story.

Detainee: I swear I will do anything to make you believe me.

Tribunal President: Do you have anything else you'd like to say to this Tribunal?

Detainee: Only thing I want to say, is that I was not Taliban. I was not against the Americans. I was a bus driver. Why am I still here? I want to go home.

At this time, the Personal Representative submitted 2 documents (exhibits D-B and D-C) on the Detainee's behalf. Exhibit D-B were letters from the Detainee's [redacted] *and D-C was the drawing provided by the Detainee.*

The Tribunal President then explained the remainder of the Tribunal process to the Detainee, and adjourned the open session.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, U.S. Army
Tribunal President

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SF 710 (1-87)

[redacted]

Type:	*INCOMING*	*Format:*	*ICRC*
Item Number:	*I-007393*	*ISN: JJJ-*	*IJD*
Date Translated:	*June 19, 2003*		
Sender's Name:	[redacted]		
Addressee:			
Address:			
City:		*Country:*	[redacted]
Language Used:	*Pashto*	*Family: Yes*	*Translator* [redacted]

Greetings from [redacted] to my dear [redacted] I present to you my greetings full of love to you. I hope you accept it. After greetings, Dear we are thankfully well and fine. And wishing for your health from Allah.
Your letter arrived my happiness was without boundaries. But I couldn't understand where are you. Next time when you write please write your complete address. We are also will try to work for your release. The Americans have promised us that they know that you haven't committed a crime and as soon as your injuries are healed you will be released.

Interpreter's Comment:

(1) Allah's peace and blessing on his messenger and prophet Mohammed.
(2) Peace and Allah's mercy and blessing upon you\family.
(3) I bear witness that there is no God but Allah, and Mohammed is his servant and messenger.
(4) God willing.
(5) All praise due to Allah.
(6) God the great, and almighty

Date On Mail:	*22 /03/03*

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Pg 1 of 3

Exhibit: D-B

UNCLASSIFIED

11. REPLY TO THE MESSAGE I-007393 JJJIGD

[جواب/ځواب]

Family and/or private news only

[احوال خانواده گی که محض طبیعت شخصی داشته باشد
کورنی پیغام چه یواځی شخصی احوال بیان کړي]

سلام

[illegible] [redacted] [illegible]

[illegible] [redacted]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] الیه کو فقط

12.

Date [illegible] { تاریخ Signature [redacted] } امضاء / لاسلیک

The addressee is my [redacted] { نسبت خانوادگی [illegible] }

UNCLASSIFIED

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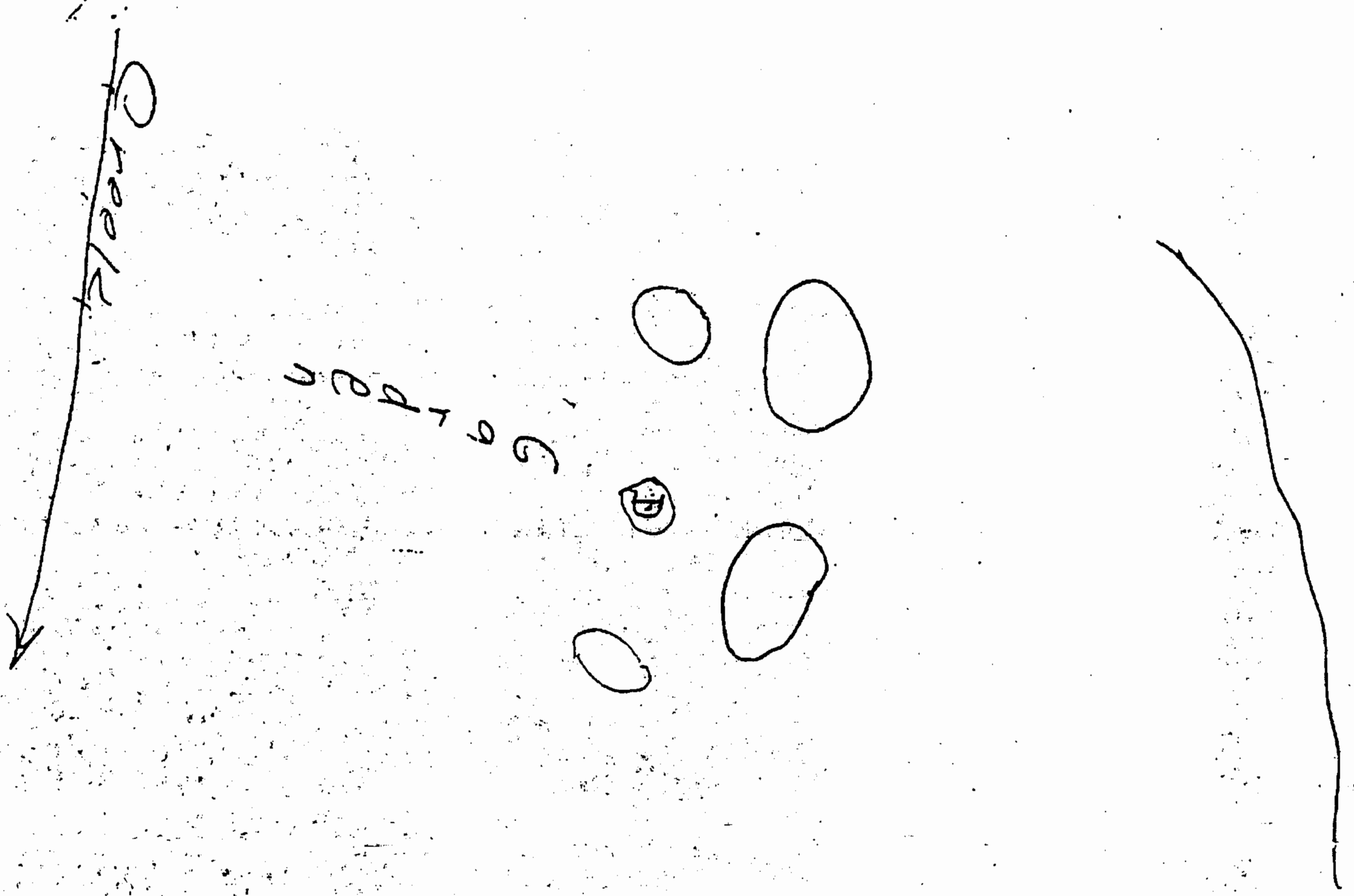
Exhibit: A-R

Unclassified


Closet
Garden

pg: 1 of 1

Exhibit: D-C

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: No. My Personal Representative will let me know everything that is said and if I have to speak, do I speak about my life history?

Tribunal President: You will have the opportunity to address the allegations or the summary of evidence against you. And then you are welcome to tell the Tribunal anything else that you feel is relevant to our determination of your enemy combatant status. We may have questions for you and will allow an opportunity for your Personal Representative to present anything else on your behalf. Do you have any other questions?

Detainee: No.

The Recorder read the summary of evidence and the Detainee had a question.

Detainee: The charges you are alleging against me, are these during the period when I was in Indonesia or span across the entire period of my life?

Tribunal President: These charges would expand on your entire life activities. I can't be for certain, as we have not seen your entire file. At this point, we have only seen these two pieces of evidence and we know nothing else about you.

The Tribunal President was covering the Detainee Election Form and the Detainee had a question.

Detainee: I did not understand the points that you addressed before. What time period are you talking about?

Tribunal President: The time period would take in all of these actions listed on the summary of evidence.

Summarized Sworn Detainee Statement

The Tribunal President instructed the Detainee that he (the Detainee) could make an oral statement and could present any evidence with the assistance of his Personal Representative.

- **3(a)(1) The Detainee is a member of al Qaida. The Detainee is an al Qaida operative.**

First of all, I would like to say that in my past, I had no links with any organization, political or religious. I have never signed any card and I never had a card from any organization. That will prove that I wasn't a member of any organization. I am not talking about any specific organization, I am not a member of any organization. There were several reasons for me to go to Indonesia. If you want to listen to those reasons, I can explain. When I came back to [redacted], in June 1992, I did not travel until 2001. I would like to explain two things. If I had links with any organization, I would not go to Indonesia. Instead, I should have gone to Afghanistan. Instead of going from [redacted] to Indonesia, I would have gone to Afghanistan for the Jihad and fight against you people.

The other reason is that many traveled from [redacted] to Indonesia. I took all of the documents with me about my entire life. Those documents held the proof that I went with very quiet intentions. If someone goes for terrorism, they would not leave proof behind. What kind of terrorism is this, that at the time I was captured, I held all the documentation with me about my entire life? When the American government started the war in Afghanistan, our religious organizations in Afghanistan were known to have the Jihad against America, or fighting against America.

I ignored the Jihad and the fighting against America. I went to Indonesia. Anyone from my family or relatives can prove this. They have never seen me with links to any political organization or religious organization. Whatever reports you need from me, I can give you the proof for any year and I can give you the proof for all those things with the dates and the times. They represent that I am innocent.

The traveling to Indonesia in the year of 2001 was because my father passed away. He died on February [redacted], 20[redacted]. He was working in Indonesia from 1992 to 1998 for [redacted]. He was [redacted] from [redacted]. If any member of my family or I had ties to terrorist groups or any other organizations, they would not give [redacted].

My father had a stroke and he was paralyzed in 1998 and he came back to [redacted]. He died in 2000. There were many reasons for me to go back to Indonesia in 2000.

First of all, I went to see my stepmother and my brother because, since she got married to my father, I did not see her and she was not the reason for the death of my father. She is an [redacted] national. The other reason was that I wanted to bring back my brother and the other mother back to [redacted].

The third reason was that I wanted to go to the office where my father once worked to let them know about his death and to complete my education and apply for my father's position. The whole family knows of the reasons I went to Indonesia.

For the first charge, I have explained everything. I am not a member of any organization, even if it is al Qaida or any organization. As I told in one of my interrogations, I liked one of the organizations, but I was not a member of that organization. Do you understand this point?

Tribunal President: Yes.

Detainee: I don't say that I didn't have links with any organization. What I am saying is this, that I was not a member of any organization, especially al Qaida. When I was in school in [redacted], there was a religious organization in [redacted]. I liked that organization and I used to go to the meeting in the open sessions. Beside this organization, I never physically dealt with any other organization. That organization was against the Shiites.

- **3(a)(2) The Detainee ascertained the plans and movements of a US government official for the purposes of inflicting harm or death to that official.**

  The second charge that you are trying to place on me, that I was trying to kill an American officer or I was watching his movements is totally baseless. I don't know any American in the world or in [redacted]. But, I have two friends that work in two American departments. One name is [redacted]; he works at the [redacted]. That person is now in Pakistan. The other person that I know that works for America works for [redacted] in Pakistan. He is the [redacted] for [redacted] in Pakistan. He is the [redacted] and his name is [redacted]. Besides those two people, I don't know any Americans all over the world.

- **3(a)(3) The Detainee claimed prior knowledge of a terrorist act.**

  I have not confessed to any planning for any terrorist act.

- **3(a)(4) The Detainee engaged in planning of and surveillance for, a proposed terrorist act.**

  The fourth charge that you say, that I was planning for a terrorist act. I told you before that I never dealt with any terrorism organization, physically, nominally or in any way.

Detainee: I have this question, that you people did not capture me from Afghanistan. You arrested me from Indonesia how are you charging that I am an enemy combatant?

Tribunal President: That is what we are going to determine; whether there is sufficient evidence or preponderance of evidence that will confirm your classification as an enemy combatant. We want to be certain that you are properly classified.

Detainee: I have already told you that during that period I stayed in Indonesia for 52 days, what I was doing there and who I met while I was there. I want to talk about points four and five.

Tribunal President: If I may interject on something. Keep in mind we have not seen your file. We do not know what you and the interrogators discussed.

Detainee: That's why I want to explain in front of you those four and five points. After I went to Indonesia I got introduced to some people who were not good. They were bad people. Maybe I can say they were terrorists. When someone gets introduced to someone else, it is not written on their foreheads that they are bad or good. After dealing with the person, you can figure out if he is good or bad. Due to these reasons, I got introduced to four terrorists in Indonesia.

I have taken the oath and I am telling you the facts and truth. The first person's name was [redacted] The other person's name is [redacted] The third person's name is [redacted] is the President of an organization, IDF, like, Islamic Defense Front. It is said about him that he has connections with Usama bin Laden. Telephone connections. [redacted] and bin Laden talks through the telephone. [redacted] is also the guardian of the al Qaida organization in Indonesia.

I can't remember the name of the fourth person. If during the process, I remember the name, I will let you know. They were getting the fourth person ready for some terrorist act. I got introduced to these four individuals and I believe that is why I am here today. The first reason of how I got introduced to these four people is that I went into the area where my father used to live. We stayed there before for three years. There was one of my mother's friends there and her name was [redacted] She invited me to breakfast at her house on the second of [redacted] and I accepted. One of these three men was at her house.

All three of the people that I met were [redacted] nationals. I got introduced to [redacted] at [redacted] house. He asked to see me again at the hotel where I was staying. I said OK. He came over to see me and [redacted] was with him. [redacted] introduced himself to me, saying he was a journalist for the general public. But inside he was a "Ma Jihad," the Secretary General of IDF. I showed [redacted] a picture that I took with the scientist who made the [redacted] for [redacted] His name is [redacted] The picture had some other assembly members also. That is when [redacted] thought I was such a high level person. He said that I was a "Ma Jihad," and I told him that I was.

After that, he explained to me that one year ago, he tried to blow up the American embassy in Jakarta. Then he took me to see the President of his organization. The name of the President is [redacted]. When I went there, I saw approximately 50 to 100 people sitting in the rooms and they were having a meeting. I asked, what are these people are doing over here? He told me that the New Year is coming and the actions we are taking, the terrorism acts; we are having a meeting about that. He asked me for economic help. He also told me that he has a group of people from Indonesia to Pakistan to fight against the Americans.

When I found out about this, that these were very bad people, I tried to get away from them. There are many other points; if you want, I can also explain those.

Tribunal President: We may have some questions for ask you to clear up some items, but please, feel free to continue to tell us any information that you feel will be important for us.

Detainee: I accept the fact that I showed actions in Indonesia to portray that I was a high level person. I didn't go to see them; those people came to see me. The fourth person's name I cannot remember. One day, [redacted] invited me into a classy hotel. There were four people there including myself. [redacted] told me that this fourth person was getting himself ready to harm himself in a terrorist type of way; self suicide. To show that I was such a big person, I talked about Osama bin Laden and they asked me, did I see Osama bin Laden and I told them yes, when I was coming from Pakistan, I heard one of his announcements, in which he announced that the Muslims should not travel on non-Muslim airlines. If the Muslims were to travel on non-Muslim airlines, then al Qaida and Osama bin Laden are not responsible for their lives. He asked me, did I know about the Ma Jihad from Pakistan. I told him yes. It is true that I met many of the leaders from the organization in Pakistan. I have pictures with them. I was on my way to Jakarta and when I reached home, I was arrested.

In the last days, I was trying to stay away from him [redacted]. He was calling me and I was trying to avoid him. The second charge in the summary of evidence, I think it is about what I just explained. [redacted] told me they were planning to blow up two hotels on New Year's. An American Ambassador had a program in one of the hotels. He also introduced me to his father who was responsible for three schools that trained terrorists. When I found out about all these things, I was trying to go back to [redacted]. It is obvious that I went to Indonesia and Jakarta after ten years and I don't know anyone over there. The only people I know over there is [redacted].

If I have committed any crime, I am ready for the punishment, but I know that I am innocent. That is why I am here.

Tribunal President: I want you to understand that we are not here to punish you here today. We are here to determine whether you have been properly classified as an enemy combatant. We welcome your participation and your openness in your statements. We may have some questions, but does this conclude your statement at this time?

Detainee: Yes. My statement is over.

Tribunal Members' Questions to Detainee

Q: That was quite a story that you told us today. But it will assist us to ask questions that make sense.

A: I am aware that for the truthfulness I speak, these things may harm me, but to be honest, I have told you everything.

Q: That's good because we want to be able to understand what happened and why it happened. During the time when you met these people that you told us about, you were only in [Indonesia] for 52 days?

A: Yes. From November 18, 2001, Sunday, 8PM until January 9, 2002, Wednesday, 4AM.

Q: You remember it very well. Are you from [redacted] originally?

A: Yes. But when I got into the census I was in [redacted] I was born October [redacted]

Q: Your father, you said, was [redacted]?

A: Yes. He also stayed in America for one year for [redacted].

Q: Where did you learn your English?

A: I studied English in [Indonesia] for one year. And I also learned English over here. I speak nine different languages.

Q: Were there times when you lived in [Indonesia] - different times?

A: I traveled to [Indonesia] my whole life about three times. The first time was in 1990. I stayed there for six to eight months. Then I came back to [redacted] for a vacation. Then I went back to [Indonesia] in 1991. I stayed for one year. Then I went to [Indonesia] in June of 1992. I traveled over there for the third time in 2001.

Q: The first two times you went to [Indonesia] was that the before your father began his duties there?

A: No. My father started his duties over there after that time. My father was working for [redacted] He got transferred from [redacted] to Indonesia. Due to that we left [redacted] and went to Indonesia.

Q: That is the reason why you started traveling to Indonesia, because he had been sent there?

A: Yes.

Q: When he went there, he married another wife and had a family there also?

A: When our entire family came back to [redacted] in 1992, my father went back to Indonesia alone. And then he got married over there for a second time. I found out about his other marriage when my father came back when he got sick in 1998.

Q: The main reason, the only reason you wanted to go in 2001 was to take care of business when he died?

A: Yes, for that and for my stepmother and brother.

Q: That was when you met these people you talked about and all the bad things happened to you?

A: Yes.

Q: Before that time, have you ever been in trouble with the authorities anywhere?

A: No.

Q: Did you have a job or were you a student? What were you doing during this time?

A: In which country?

Q: In [redacted]

A: I worked for three departments. From 1998 to 2001, I did not travel. The first department was the [redacted] I was a [redacted] in a five star hotel. I was a translator for an [redacted] I worked this job for one year. I worked in an institute, the [redacted] Then an institute in [redacted] It was a university in [redacted]

Q: How many years of formal education have you had?

A: I got an education in different countries. For 10 years in [redacted] for two years in [redacted] and four years in [redacted]

Q: You were telling us about a conversation you had with the men in Indonesia. You said, he asked you if you were Ma Jihad and you said yes. Was that true or were you trying to impress him?

A: What I said was true. It has two different meanings. People think to shoot a bullet is Jihad. My education has taught me that if you stay away from bad things, it is also Jihad. The verbal meaning of Jihad is that you stay away from the bad things and to do the good things.

Q: Is that what you meant when you told the [redacted] men that you were a fighter?

A: Yes.

Q: Did they think that you meant fighter?

A: Yes.

Q: Have you ever actually been a fighter in the military?

A: I have never had any training and I have never been in the military. I remember one incident, in my life; I picked up a weapon only once. It was a small pistol. When I tried to chamber a round and load it, I cut my finger and I still have the scar today. After that, I have not picked up a weapon.

Q: Have you ever fought in any wars?

A: No.

Q: It sounds like you had prior knowledge of a terrorist act that concerns the fourth man who was getting ready to do the suicide attack on the hotel. Is that right?

A: I am giving you my opinion. Maybe it is about that.

Q: Did the three [redacted] men tell you about other things that were planned to happen?

A: They told me about another actions. There was an island inside Indonesia where there is war going on between the Muslims and the Christians. [redacted] and the people of his organization were getting ready to send people over to the island to fight against the Christians.

Q: This is Aceh or Timor or one of those places?

A: Yes. They also told me that [redacted] lives in America in San Diego. They also told me the [redacted] and [redacted] eloped because the American government wanted to arrest them. They asked me if I knew anybody in America that could help [redacted]. He asked me if I knew a person that could act as a sponsor that could help [redacted].

Q: I think you were right before. Conversations like that is probably why you are here.

A: Yes, I accept that.

Q: Do you believe they said you were with [redacted] you were with [redacted] you were with [redacted] and therefore, you did all these things with them?

A: Yes.

Q: But you tell us today that you didn't do these things with them?

A: No. I have not done anything bad in my whole life. I am not a heathen person, everybody knows about me. Even the scientist who made the nuclear bomb for Pakistan, I took pictures with him.

Q: How was it that you were able to get your picture taken with [redacted]

A: I was in a program as a guest. [redacted] was there as a chief guest. I recited the Holy Koran. After I did my recital, they took the pictures. And I took those pictures with him. I have over 100 prizes for that recitation. I also saw [redacted] from [redacted]. I have an award from [redacted] and I have an award from [redacted] and I have a gold medal from the government of [redacted]. In every Muslim country, every program starts with the recital of the Holy Koran. I saw many leaders in the programs. Leaders from "Maha Jahdid" organizations.

Q: What are your feelings about the United States?

A: On what topic?

Q: Do you consider the United States a friend, an enemy? How do you feel about the United States?

A: American is the second host because one of my [redacted] is an American citizen. When my [redacted] went to America, he started a business. And due to that, our family got a strong position and we started three businesses in [redacted], one factory and two plazas. My [redacted] also stayed in America for one year. Also, more than five million Muslims live in America.

Tribunal Members' Questions to Detainee

Q: What business is your [redacted] in, in [redacted], you said?

A: His business is in [redacted]. His home is in [redacted].

Q: Is that the business that generated three factories in [redacted]?

A: Yes.

Q: What is that business?

A: Medical. Pharmaceutical.

Q: Distributing or manufacturing?

A: Distributors.

Q: And the factories in [redacted], distributors or manufacturing?

A: They make leather shoes.

Q: OK, complete line of business then?

A: Yes. My [redacted] and [redacted] are both doctors.

Q: It amazes me that you would associate with people that you associated with. You must have a very big ego and want to be a popular person.

A: I think I'm stupid; otherwise, I would not be here today.

Q: You are very cooperative, very truthful, you seem to want to make amends and I've met many individuals doing my job here and I notice that you are wearing an orange uniform. Why is that?

A: I don't know.

Q: You don't know that there are other colors or you don't know why you are still in orange?

A: I know about the other colors, I think I am still in this color of uniform, because once I tried to commit suicide after being here 191 days.

Tribunal President's Questions to Detainee

Q: I understand your father to be [redacted] How did he acquire residence in [redacted]

A: Before going to [redacted], my father had three bungalows in [redacted] We put them up for rent and we lived with our grandfather. The rent we received for the bungalows, we took care of everyday business.

Q: You maintained your [redacted] citizenship?

A: No.

Q: You have a [redacted] citizenship?

A: Yes.

Q: You wanted to attempt to replace your father's position after his death?

A: Yes.

Q: How could you work for the [redacted] government as a [redacted] citizen?

A: We were using the passport from [redacted] as [redacted] but the stamp they put on the passport, this gives us the facilities to the [redacted] The organization at the department where my father was working, there were also other people working but they were working as [redacted] nationals. And they were from different nations.

Q: You indicated that you spent 52 days in [Indonesia] Why did it take you so long to take care of that business?

A: I saw the director of the office where my father worked only once and I presented him the file and told me that he would see me after our holiday. It was the holy month. After that, I went to my [redacted] home. Then I started the process for my [redacted] to go back to [redacted]. Another obstacle we were facing was my younger [redacted] has to be eligible to use [redacted] passport. It's according to the law of [Indonesia] But [redacted] was dead. My [redacted] didn't have the passport and was not allowed to have it.

Detainee: Will there be another Tribunal session?

Tribunal President: No.

Detainee: When will I know about the outcome of this?

Tribunal President: I will explain what lies ahead after this process and hopefully within 30 to 60 days, no longer than that, once the convening authority reviews our decision, then you will be notified of our decision.

Detainee: There is one more point that I want to make. When I was talking to [redacted] he asked me one question. And I told him that when Osama bin Laden said not to travel on non-Muslim planes, he asked me what I thought about that? I said, I think there will be more terrorism. He asked my how it's going to happen? He also asked me what did I know about the "Majahadid?"

I told him three things. I told him there was a type of glasses that once placed on your face, you can find out what weapons your enemy has, like X-ray glasses. I also told him that there was a type of chewing gum, if you chew it and throw it, it would explode like a bomb. I also told him that there was a type of shoes in which you could hide the bombs.

I want to ask a question. My briefcase; all of my papers are in my briefcase. How can I get my briefcase?

Tribunal President: We will go to review all the other evidence and if we feel that this information that might be in your briefcase may be of relevance then we will have that evidence produced.

Detainee: Is this the final Tribunal?

Tribunal President: I will explain that. But we have one more question.

Tribunal Members' Questions to Detainee

Q: Your memory is better than mine but, you arrived in March 22, 2003 and you mentioned you spent 92 days in Cairo, Egypt in detention. Early I believe you said it was 2002. How many different places have you been detained and when were you initially arrested?

A: They arrest me, [redacted] in Jakarta. I stayed in Jakarta for two days. They sent me to Egypt. I stayed in Egypt from January [redacted], 2002 to April [redacted] 2002. Then they sent me to Afghanistan by Pakistan. I was in Afghanistan April [redacted] 2002 to March [redacted], 2003.

ISN# [redacted]
Enclosure (3)

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 through R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Detainee did not take the Muslim oath, but promised to tell the truth..

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee is associated with the Taliban:

3.a.1. The detainee traveled to Pakistan to study the Koran, even though he did not understand the language in which it was being taught.

Detainee: This is the rule of Islam. Once you accept this religion you must read the Koran; it is the order of Allah. It doesn't matter whether you understand Arabic or the Koran or not; you must read it. People who do not read the Koran are not Muslims.

3.a.2. The detainee traveled from Pakistan to Afghanistan after 11 September 2001.

Detainee: Yes I did.

3.b. The detainee participated in military operations against the coalition.

3.b.1. The detainee was at Mazar e Sharif.

Detainee: That's not true. I was captured in Mazar e Sharif while I was traveling through the city. I was not there.

3.a.2. The detainee received training on the AK-47.

Detainee: I got the AK-47 training when I was thirteen or fourteen years old. I was a refugee in Afghanistan and someone in the mosque just taught us three or four times how to assemble and disassemble the AK-47.

3.b.3. Northern Alliance Forces captured the detainee.

Detainee: [redacted] captured me.

Tribunal President: Is there anything else you would like to tell us?

Detainee: I would like to tell my story why I ended up here out of my country. When they say that I got training on the AK-47 that is a big lie. The reason for me leaving my country was because of the civil war [redacted]. I had to leave my country because of the civil war and I had to serve the Army and participate in that war. There was a good chance that I could have been killed. That is why I ran away from that war and the Army and left my country. I came to Pakistan to learn the Koran. My goal was to go to Russia, but I could not do that, so I went to Pakistan. I studied the Koran in Pakistan for five or six months. After that I went to a city called Molton. There was a place called [redacted] (ph) and I had my own little shop there in that place. The reason I entered Afghanistan: I wanted to return back to my country. When they say that I was with the Taliban or associating with the Taliban that is a big lie. I ran away from a small civil war that was going on in my country. How am I going to run away from a small war and participate in a big war? Taliban are Pashtu and I am [redacted], there is a big difference between us. I have an example for you. When there is a big and dangerous bird over there and a small bird, the small bird would never dare to fight with the big bird because he knows that he will lose the fight and die. The United States is a big power in the world. Why would a man like me dare to fight against the United States? You are accusing of me of fighting against the Northern Alliance. That is a big lie also. They are Farsi speakers; they are my own blood and why would I fight against my own people? We know it and you probably know it, that there has been a long war going on in Afghanistan and it was mostly the tribal war between different tribes. Also you are accusing me of getting training on AK-47. The proper training on the AK-47 takes people one or two years to learn how to use. When they taught me how to assemble and disassemble it two or three times they wanted to use me in the war against [redacted], not the United States. After I was shown the AK-47 training two or three times, I went back with my parents to [redacted]. I have never used that training. The people who captured me in the northern part of Afghanistan, I was just a traveler, traveling through their city. They did not capture me with a weapon; I didn't have a weapon on me. They didn't capture me while fighting; I was traveling like a passenger when they captured me. That was my story and my problems why I left my country and ended up here.

The Personal Representative had questions for the detainee

Personal Representative: I'm looking at my note of the conversation that we had. You told me that you felt comfortable going to Pakistan through Afghanistan because during the twenty-five years of fighting, the Afghanis were fighting each other and they would not bother travelers.

Detainee: Yes that is true.

Personal Representative: But when you got there after September 11, this had all changed and that the Afghans were picking up all foreigners. Is this basically what you told me?

Detainee: Yes that is true. I wasn't aware that if I entered Afghanistan they would just arrest and capture me. When I entered Afghanistan and when I arrived at the city of Konduz, that is when I realized things had changed. Before I entered into Afghanistan I did not know that things had changed there. If I had known that the United States would have arrested me, I would not have gone to Afghanistan.

Personal Representative: You told me about how you found out that foreigners were being picked up. I would like for you to explain to the Tribunal how you found that out and what events lead up to your capture.

Detainee: I came from Pakistan to Konduz. I came from Pakistan and went to Jalalabad then to Kabul and then Konduz. I came to a small restaurant that the Afghans call a café. I was sitting there eating and drinking tea. Someone approach me, the person who used to work in the restaurant. He talked to me. I have a [redacted] accent and you can tell I'm not Afghan; I'm [redacted] so he recognized me. He asked me where are you going. I told him I wanted to get back to my country [redacted]. He told me that there was fighting going on around the city of Konduz and you can't go anywhere. If people capture you or find you they will just turn you over to Americans. So I asked him what should I do. He brought me somewhere where there were a lot of cars. There were a few people from the providence of [redacted] in Afghanistan. There were a few [redacted] people over there also. They told me to stick with these few people from [redacted] and they are going to take you to Mazar e Sharif, then to Qandahar and from there to Pakistan. Once you get to Pakistan you just go on with your life and then come back. I was happy to hear that because I knew if I went back to Pakistan there would not be any problems. We were riding in cars and we came to Mazar e Sharif. We were close to entering the city of Mazar e Sharif and people of Jalalabad asked us to get out of the car and they handcuffed us. They made us sit on the ground. I don't know what happened; maybe someone was trying to runaway or something because I heard some shooting. When I open my eyes I found myself in the hospital. I did two petitions, one for the Red Cross and one for the United Nations, saying that I was just traveling and they captured me. They never answered. Some Americans came and questioned me. They told us don't worry and don't be upset we are going to send you back to [redacted]. They brought me to Qandahar and then here.

The Personal Representative had no further questions.

Tribunal Members' questions

Q. How old are you?
A. Three years ago I was twenty-three years old but now I feel like one hundred years old.

Q. Prior to leaving [redacted], where did you live in [redacted]?
A. The capital of [redacted] is [redacted] and there is area of close to that called [redacted], I lived there.

Q. What did you do there?
A. It was in time of war, I was at home, and there wasn't any work.

Q. You said at one point you wanted to go to Russia. Why did you want to go to Russia?
A. I already told you that I was trying to run away from the Army. I did not want to serve the Army in the time of war. Also finically I wasn't doing well. Our houses were burned and we didn't have any money to fix it. We had a tough life over there.

Q. That doesn't really tell me why you wanted to go to Russia. What about Russia in particular was attractive to you?
A. [redacted] is working in Russia; there was work over there.

Q. So why then did you go to Pakistan?
A. I didn't have any money, how could I go to Russia?

Q. Before you left Pakistan, did you have a passport?
A. No I didn't. Afghanistan doesn't require any passport.

Q. But you were going to Pakistan. Do they not require a passport?
A. There is a huge border between Afghanistan and Pakistan and there has never been a problem entering from one country to another. Afghans can go and enter Pakistan easily.

Q. So you had traveled to Pakistan before Afghanistan?
A. From Tajikistan.

Q. Yes, but there is no common border between [redacted] and Pakistan, so I gathered you went to Afghanistan, is that right?
A. I flew from [redacted] directly to Pakistan.

Q. So in Pakistan you intended to study the Koran, is that right?
A. Yes.

Q. It is not possible to study the Koran in any language other than Arabic?
A. Yes, especially when Muslims do five-time prayers. The prayers have to be done in original language, which is Arabic. Other than prayers you can read the Koran, you can read the translations but you have to the Koran in your hand and read the Koran first and then read the translation. The prayers have to be in original language, which is Arabic.

Q. When you arrived in Pakistan did you study the Koran?
A. Five or six months.

Q. Was this the same time you had the shop or before that?

A. No, after the five or six months of learning the Koran then I went and worked in that store.

Q. What was your reason for leaving your store and heading back to [redacted]?
A. The war in [redacted] was finished and everything was fine. I wanted to see my parents.

Q. Why didn't you fly back from Pakistan to [redacted]?
A. How can I do that without a passport?

Q. The same way you did it from [redacted] to Pakistan I would guess.
A. I flew from [redacted] to Pakistan with a passport. On the way back my passport was expired, I didn't have any other documents.

Q. Couldn't you simply just get another before you traveled?
A. I wasn't familiar with the process. I was a stranger in Pakistan and then I want to save some money. I thought it would be cheaper to travel through Afghanistan.

Q. When you left [redacted] how long did you expect to be away?
A. I was waiting for the war to be over. I wasn't sure how long I was going to leave for.

Q. How long was it actually from the time you left [redacted] until the time you were apprehended?
A. It was the end of 1997 or the beginning of 1998 when I left [redacted].

Q. Do remember when you left Pakistan to go home?
A. It was the time or Ramadan.

Q. In 2001 after the September 11th attacks?
A. That right.

Q. Were you ever a part of, or have you ever heard of the Islamic Movement of Uzbekistan?
A. I have heard about it here but before I didn't know anything about it.

Q. When you originally left Pakistan, were you traveling with a group or were you traveling alone?
A. I was traveling with one of those personal cars like a taxi. I was traveling in those.

Q. You didn't know any of the other people on the taxi?
A. There were some other passengers, a woman and a man but I didn't know them.

Tribunal President's questions.

Q. You said you didn't go to Russia because you didn't have the funds to travel there. How did you fund your travel from [redacted] to Pakistan?
A. I saw on my way a Russian-made car called Camels(ph). I stopped the car. I got in the car with the driver and someone else and we just traveled. They asked me where do you want to go? I told my story to them. The guy introduced himself as [redacted]. He told me I can help you get into Pakistan but under one condition that you study Koran. I accepted that offer. At that point I told him all I want to do is just get out of [redacted], just help me get out of [redacted] and I will read the Koran. That guy took me to [redacted] the capital of [redacted]. I spent two or three days with him. He was a businessman. He was in the business of long leather coats. When I entered his house I saw a lot of leather coats. He took my picture and he made a passport within two or three days. Then he took me to Pakistan. In Pakistan I lived with the same guy almost for a month in the same house. Then he took me to a Madrassa. The name of the Madrassa was [redacted] He asked me to stay and he said that he would check on me later. I never saw him again.

Q. You said you went to the capitol and then he took you to Pakistan, is how it was translated, but did you mean that you flew from the capital to Pakistan?
A. Yes.

Q. What did you sell in your store?
A. It was dry foods like almonds, walnuts and pistachios. I wasn't the real shopkeeper. There was another man working with me. His name was [redacted] I was with him.

Q. Did he actually own the shop or did you own the shop?
A. He was the owner?

Q. [redacted] was the owner?
A. [redacted] was the owner.

Q. The gentleman that helped you to get to Pakistan to study the Koran. Did he not want anything in return for his assistance? Did he eventually want you to come back and share that knowledge?
A. This is part of Islam. A Muslim just does things for the sake of God. Like if they make a young boy read the Koran. That would be big thanks to God. They do that just for the sake of God. When he talked to me he liked me a lot and he said that I was a good boy and I deserve to read the Koran.

Q. Did you marry while you were in Pakistan?
A. No.

Q. When you thought about heading back to [redacted], did you have any concerns that the government might not want you to come back?
A. Yes I was scared and I had that concern. I wanted to go for a brief period just to see my family and get out. I was planning to leave the [redacted] land. My goal was, when I arrived in the city of Konduz I was hoping the United Nations would help me and send me back to [redacted] with the other refugees.

Q. Ultimately you were just going to stay there a brief period? Were you planning on returning back to Pakistan?
A. No. I did not want to go back to Pakistan.

Q. Where was the café that you were at?
A. In Konduz.

Q. Previous to your meeting in the café you didn't know that person that approached you?
A. No. I had not seen him before.

Q. Would you normally trust a total stranger to help you?
A. My situation was unique because I am [redacted] and the Afghans could clearly tell that I was not an Afghan because I have an accent. When he told me about the danger and the war that was going on around the city, I had no choice but to trust him. He was a Farsi speaker like me. When I was in Konduz in Afghanistan, their hospitality and especially those [redacted] tribes, they helped us a lot. They treated us really well so I trusted them.

Q. I know you said that you went in Afghanistan after September 11th. How much after that?
A. I'm not sure but it was close to Ramadan. I think it was the beginning of Ramadan.

Q. You said he took you to a place that had a lot of cars and you met some other people. Did you leave promptly from there?
A. Yes the people were just sitting there and they told us that those few people that are here, they are all to enter the Madrassa, and they ask me to sit with them.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the Detainee understood the Tribunal process, the Detainee stated, "yes."

After taking the Muslim Oath, the Detainee made the following sworn statement:

Detainee: First, I would like to object that I am associated with al Qaida or the Taliban. [although] I did attend training at the camps.

Regarding paragraph 3.a.1 [The Detainee traveled to the [redacted] toward the end of 1996 or the beginning of 1997 to train for Jihad at [redacted], that is correct. I was in the [redacted] and spent almost twenty days there. I was with MILF in [redacted] (the [redacted] (that is, with the Moro Islamic Liberation Front). I know they were not related to al Qaida or the Taliban because it was in the [redacted]. They were fighting the [redacted] government because the government took their freedom. I went there to check out the situation and I received training on the M-16 and RPG. I got the justification I needed and returned to my country. MILF is not related or associated with al Qaida or the Taliban.

I went to Afghanistan in 1997, to the [redacted] in [redacted]. The [redacted] is not associated with the Taliban or al Qaida. This camp has been open since 1988 during the time of the Soviet Union. At that time, al Qaida had some camps near [redacted] but [redacted] wasn't under the direct control of al Qaida or the Taliban. It was open before the Taliban took over Afghanistan. Of course, the Taliban wanted this camp to run, but it wasn't under their control.

Paragraph 3.a.4 [The Detainee attended three courses at the [redacted]; The Basic, the Gunnery, and the Tactics course]. I did attend the Basic training and the artillery training. The 75mm rifle wasn't American, it was Soviet. The Urban Warfare Tactics course wasn't in the city, it was in the mountains.

I went back to my country and I stayed for a while before returning to Afghanistan in June 2001 to continue my training. I joined a private small camp outside of Jalalabad; there were only about ten of us. I skipped training to earn money, but it wasn't related to al Qaida. This camp also had no affiliation with al Qaida or the Taliban. A month later, the Taliban and al Qaida closed the camp in July 2001. I did receive training in that Camp.

Paragraph 3.a.9 [The Detainee stayed at an al Qaida guesthouse in [redacted] Afghanistan]. I was compelled to stay there, because when I first arrived in Afghanistan in 2001, they asked where I was going. Then they took me to an al Qaida guesthouse. Everyone was required to go to the house because they checked passports and wanted to know the reason you were visiting. They asked if I wanted to receive training. I told them no, I only came here to go to (inaudible) with my friends. I spent two weeks in the guesthouse, and they told me I was free to go wherever I wanted. I left the guesthouse and didn't return. I was compelled to go to the guesthouse because if I hadn't they would have classified me as a spy. I was convinced to go to the house and get help to find my friends that I have known since 1997. I stayed there because I was confused. When I got my thoughts together, I left.

Paragraph 3.a.10 [The Detainee was apprehended by Pakistani authorities in Pakistan]. When I left Afghanistan in September, I took a long trip through the mountains by myself to the Pakistani checkpoints. It was very tiring. I asked the authorities to take me to my Embassy.

Summarized Answers in Response to Questions by the Personal Representative:

Q: Paragraph 3.a.3, [The Detainee traveled to Afghanistan in 1997 and trained at the [redacted] Was that camp ever closed?

A: Yes, this camp was closed in early 2000 because it didn't belong to al Qaida. I wasn't in Afghanistan at the time; I was in my country. But, I heard they put pressure on the camp and closed it because it was out of their control.

Personal Representative: Your testimony, then, is that it wasn't an al Qaida camp?

Detainee: It wasn't an al Qaida camp because when America bombed al Qaida camps in 1998, they didn't bomb this one. I believe the reason they didn't bomb it was because they knew it didn't belong to al Qaida.

Q: Paragraph 3.a.7 [The Detainee's Tactics Course consisted of learning camouflage, map reading, urban warfare, and small unit tactics]. Did you do any urban warfare training there?

A: We learned tactics and map reading but nothing about urban warfare.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Are you from [redacted]

A: Yes.

Q: Do you have a background in military service?

A: No.

Q: What kind of military training have you had besides what we have heard today?

A: None, that was all the military training I had.

Q: The first point says the reason you went to the [redacted] was to train for Jihad, is that correct?

A: I went there to check out the situation, not just for training. I wanted to see if they were right, and good people. If they could convince me, I would support them. After I got there, I realized it wasn't for me because at the time, I didn't have adequate training. I wanted to be a soldier, but the training there wasn't any help. After I saw the situation, I got some training and left. I was only there for twenty days.

Q: When you made the decision to go, was it for a religious reason also?

A: I felt I had to help those people in the [redacted] I looked at many cases and saw what was happening in Bosnia-Herzegovina and Chechnya. It was convenient and the opportunity was there for me to go and help.

Q: The Moro Islamic Liberation Front, they are the Muslims who are there now?

A: Yes, they are the Muslims who are there now.

Q: They were fighting the [redacted] government?

A: Yes, for a long time, since [redacted] was there. I believe in Jihad to struggle for your rights and freedom. I went there for that reason, not to be a terrorist or part of al Qaida. I wasn't a member of al Qaida or on the front lines with the Taliban because I don't believe in what they are doing. I believe what the Taliban did in Afghanistan was ethnic war. Al Qaida is a terrorist organization. I was with MILF and MILF has no relation with al Qaida.

Q: They were related with Abu Sayyaf, weren't they?

A: They are different. Abu Sayyaf is a small group. MILF had talked about making peace with the government. MILF doesn't just fight about money and they are not linked to Abu Sayyaf. When I was there, I heard about Abu Sayyaf but there was no relationship between MILF and Abu Said.

Q: You got your training in the [redacted] went back to [redacted] then you went to Afghanistan to get training?

A: Yes, as I told you, when I went to the [redacted] there wasn't anyplace to receive adequate training. When I was in the [redacted] I had met some guys that had been in Afghanistan. They gave me some advice and told me about the training in [redacted] When the opportunity was available, I went back to Afghanistan for training.

Q: The real reason you wanted all this training was, in case you were called upon to be a warrior, you would be ready?

A: That's right, to be ready to be a Jihadist or a soldier. That is what I believed at that time.

Q: We have heard that many people were being encouraged to live in Afghanistan to help the Taliban because it was a pure Muslim state or trying to be a pure Muslim state? Do you share that view?

A: I wasn't sure with them on this point because I believed it was an ethnic war between the North and South, Farsi and Pashtu. I learned this was happening in Afghanistan, but I didn't feel this was the right struggle or Jihad. Some people believe the Taliban is pure Islamic, but I don't believe that.

Q: You didn't think the people in Afghanistan in the South were being repressed by the people in the North?

A: If the opportunity arose in the North, the North would do the same. I believe what happened in Afghanistan was an ethnic war.

Q: When you went to Pakistan, you mentioned when you were at the guesthouse you had to check in?

A: When I went to Afghanistan the second time because the first time [redacted] was in Afghanistan. When you have connections with the people in [redacted] you have to go to the houses in Pakistan and Afghanistan so you don't end up in an al Qaida guesthouse. I joined in 2001, after they closed the camp in 2000. Because it was closed, there wasn't a guesthouse for the [redacted] I knew how to get into Afghanistan because I had been there before. When new people arrive in Afghanistan, the Taliban stops them because they are strangers. They are asked who they are and where are they going. I went to get training, so they took me to that guesthouse. I was checked out and so was my passport. When I got to the guesthouse I said I had been in Afghanistan before and I told them whom I knew. I was told they didn't know these people but they were sure I did, so they told me I was free to go, and travel wherever I wanted.

Q: When you went back there the second time, if [redacted] had already been closed, how did you expect to find your friends if they had left the camp?

A: Because they were famous and everyone knew them. I knew they were still there. When I went back, I asked about them and I found them.

Q: Your famous friends, what were their names?

A: [redacted] and [redacted]

Q: When you stayed at the guesthouse, did they ask you to leave your passport there for safekeeping?

A: No, actually they gave me a choice as to whether I wanted to keep my passport there or not. They asked me if I wanted to leave my passport and attend training, or I could stay there. I told them I already had the training, so I didn't need it. They said okay.

Q: You were able to keep the passport with you the whole time, even when you were leaving to go?

A: Yes, I could keep it with me if I wanted.

Q: When you were apprehended in Pakistan did you have it with you?

A: No, actually it wasn't my passport. It's a long story. It was my brother's passport; I didn't have one. It's a long story. When I got to the guesthouse I sent it back to him.

Q: One of the reasons the Pakistanis apprehended you was because you didn't have a passport?

A: Yes. I went to them so they could help me get to my Embassy. I wanted to get a new passport so I could return to my country.

Q: When you were in jail, did [redacted] representative come see you?

A: Yes, he came. He couldn't get us before the Americans did.

Q: Do you consider the United States to be an enemy?

A: No. I'm an educated guy and I understand politics. Just because the United States doesn't help us in some places, it doesn't mean they are our enemy. I have my beliefs since I first started Jihad. I don't have to believe everyone. I have my knowledge and mind. I have to think about everything. I don't consider the United States an enemy. The United States government has made some wrong decisions, but that doesn't give me the right to consider them an enemy or to kill their people. I don't believe that way. Many members of my family are Americans. My [redacted] married a [redacted] from America. They have four kids who are also American. My [redacted] had daughters that were born in the United States. My [redacted] lives in America and has a United States passport, an American [redacted] and children. They all live in America and all have American passports. I believe America is like any nation. They are the superpower. They are wrong in some points and they are right in some points. That doesn't give me the right to consider them an enemy or to kill their people. I was sorry about the 11 September attacks because it was hard to believe it was done in the name of Islam. I believe in struggle. If you are a soldier and you want to struggle, you have to fight man to man on the front line if you are right. Killing people in their houses is wrong. What happened was wrong and it affected everyone. I can't change it, but I wish I had had a chance to stop it.

Q: If you were released from the camp, what would you do with the rest of your life?

A: I made mistakes. When I left my country I felt my family didn't need me because they had money, they had everything. I wanted to find people that needed my help. I was twenty-one at the time. I was away from my family because my job was almost one thousand miles from my home. When I was away from my family, strange ideas came to my mind. I wanted to go help Muslims get their freedom. I went to the [redacted] then to Afghanistan, and got involved in all these things. I had to continue, I couldn't stop at that point. The three years I spent here was a good time for me to think about the mistakes I had made. I left my family. I think they need me to be with them. If I go back, I will stay with my family and give them advice and explain to them the difference between struggle and terrorism. I have experience now and can direct them. I don't want them cheated by someone like Usama Bin Laden, or the Taliban. I want to educate them so they think before they make any decisions. They must first care about their family and country. Then, if they want to help others, they have to find out what is happening. I shouldn't have been in Afghanistan because it was a place for bad people, good people, neutral people, everyone. Americans went there and took everybody and brought them here. I shouldn't have been in Afghanistan. I'm twenty-nine now, and I won't make this same mistake again.

Q: Originally, before you left for Jihad, you said you were working a thousand miles from home?

A: Yes.

Q: Doing what?

A: I was working in an [redacted] as a [redacted] at the [redacted]

Q: What function at the [redacted]

A: [redacted]

Q: When you went to the [redacted] and later to Afghanistan, where did the money come from to do that?

A: I saved the money when I was working. They paid well, so I had enough money to live in Afghanistan. It was all from my money.

Q: No one helped you to get money to go to…?

ISN# [redacted]
Enclosure (3)

A: No, because I didn't need it. If I had to help people, I had to go by myself. I had the money so I didn't need to ask for help.

Q: You mentioned you were educated and you could think about the situation and make your own decisions. Did you follow any fatwas or anyone else's ideas?

A: We had fatwa about Jihad for a long time. The right Jihad, the right struggle, to help people get their legal rights. That is what I believed and that was the fatwa I gave. I decided to give the reward of the God so I had to help these people. It didn't mean I had to be a soldier and go fight. When there was a war, I would be fighting. When there was peace, I would be a teacher to the kids. That is what struggle meant to me.

Tribunal Member: You sound like a man of conviction.

Detainee: Yes.

Q: You mentioned if you considered someone an enemy, you believe it is okay to take an action (do whatever is necessary, to meet them on the front lines)?

A: Yes, if he is a real enemy and there is war. If there is peace or there are talks about peace, I have to follow what the people I am with want to do. If there is fighting, I would have to fight.

Q: It would be fighting on the front lines?

A: Yes, but not attacking civilians. I would leave my family because they're not involved in that.

Q: If you have strong beliefs and you would fight an enemy you believe is a rightful enemy, but you don't have the power to compete with that enemy, what would you do?

A: There are other things. If they attack you or your country, you have to fight. If you're not ready to attack them, you don't have to. This happened in the [redacted] killed several Muslims and didn't give them rights. That case has built up until now. The war now isn't like it was in 1970. When I went there, it wasn't a big fight. I went there because these people needed my help. I wanted to get their hearts. If there are any cases like what happened in Bosnia-Herzegovina I would go there. At that time, Bosnia-Herzegovina was finished, so I wasn't needed there.

Q: What about now; if you were needed outside of [redacted], are you saying you would or would not be available?

A: After what has happened now?

Tribunal Member: Yes.

A: I think I would have to be with my family now because they need me and I need to be with them. At that time I was young, only twenty-one. I was zealous. I believe the people should have their legal rights and freedom, but I don't think they need me there to help them. I have to take care of my family.

Q: Have you helped the Taliban or al Qaida in the past?

A: No, I haven't. I may have had some friends in al Qaida that I knew before they were al Qaida, because I met them in the [redacted] or in the camps in Afghanistan. Maybe they joined al Qaida, but that doesn't mean I am part of al Qaida. Maybe they are friends of al Qaida but they're not members of al Qaida. Maybe al Qaida had their names. Each one knows each other.

Q: Have you ever fired a weapon other than in training?

A: I went hunting sometimes in [redacted]

Q: What do you hunt in [redacted]

A; Rabbits.

Q: I understand you traveled back to Afghanistan in July 2001. You traveled later that year to Pakistan before being detained by the authorities in Pakistan. What month would that have been (November, December)?

A: I got to Afghanistan in June 2001. I began the training in Jalalabad in July. I stayed in the guesthouse for two weeks. I was ready to leave Afghanistan before the 11 September attacks. I got a new passport and was headed back to the [redacted] I went to Afghanistan for training and found a place I believed needed my help. When the 11 September attacks occurred, I was stuck in Afghanistan because it was hard to leave during that time. I had to stay until the situation changed. It was dangerous for all Arabs and even some Afghanis to stay in Afghanistan. It was the middle of December 2001 when I was with the Pakistani authorities.

Q: That seems to be a lot of time in between July and December. I'm not sure why you didn't leave before December?

A: In July, August and September, I received training at the camp. In September, I was trying to find a passport. I told you I had come to Afghanistan by using my brother's passport. I sent the passport back, and then I tried to find a passport. It's not easy to find a fake passport that fits you, personality and age. All that time I was looking for a passport and receiving training. One or two weeks before 11 September, I received a passport. I had made plans to return to the [redacted] but after the attacks, it was hard for anyone to leave Afghanistan.

Q: I would have thought with such famous friends you wouldn't have much difficulty finding a new passport.

A: It's hard, really hard. Sometimes you find a passport with the incorrect age or with a nationality you can't pass for. They are famous friends but they also have other people they have to take care of. I looked and found a passport. It was for someone younger than I. He was sixteen. I was going to leave Afghanistan using anything. I had to use that passport.

Q: You had your passport now. How did you attempt to leave Afghanistan?

A: At that time, before the attacks of 11 September?

Tribunal President: You had your new passport before 11 September?

A: Yes. I got it one week before the attack.

Q: Why was it so difficult for you to leave? Once you have another passport, you were good to go.

A: The passport wasn't ready. I had to change the picture. You had to take pictures that make you look young. The process wasn't complete. I had to go to Pakistan to take pictures because I couldn't get photos in Afghanistan. I was worried about the passport since it was for a sixteen year old. I wasn't sure if I wanted to use it or not. It takes time and it's not easy to get things done in Afghanistan.

Q: Where did you stay outside of the training camp?

A: The second time, in 2001, I stayed with people at a camp outside of Jalalabad. I traveled between Jalalabad and Kabul. I stayed in Jalalabad at the camp and traveled to Kabul so I could contact my family or to meet [redacted] or [redacted] to get the passport.

Q: Who did you stay with in Kabul?

A: With [redacted] assistant. He was an Iraqi. He had a house and lived with his family on the second floor. We lived downstairs. Sometimes [redacted] came to visit at the house, and that's when I would ask him if he found me a passport.

Q: Outside of the training camp, did you carry any weapons with you as you traveled around Afghanistan?

A: No; even though I traveled alone, it was safe.

Q: Were you ever transported, or did you ever travel, to the areas where they were fighting?

A: No, because the fighting was in the North of Kabul and I haven't been there. The area of Jalalabad was safe.

Q: When you finally crossed the border of Afghanistan to Pakistan in December 2001, who else was with you?

A: Two friends of mine that I attended training with. They were from [redacted] We were all living in the same house in Jalalabad. When I found out it wasn't safe in Jalalabad any longer, we left and stayed in another small village outside of Jalalabad until we had the chance to leave Afghanistan. We divided into two groups and left after about two weeks. We walked. It was a long trip through the mountains. I was sick and tired and that is why I went to the Pakistani authorities. I thought they would take me to my Embassy. I was wrong and they were right.

Q: Did you at any time pay for your training or accommodations while you were in Afghanistan between July and December of 2001?

A: The first time, when I was in [redacted] I didn't have to pay anything. [redacted] didn't have a sponsor so I had to pay for the training I received there. On some occasions, I also had to pay for the house and for food.

Q: Did you have much money with you?

A: Almost three thousand dollars.

Q: How much did you have with you when you were detained in Pakistan?

A: Almost twelve hundred dollars.

Q: But no passport?

A: No passport.

Q: No weapons?

A: No weapons.

Q: Twelve hundred dollars?

A: Twelve hundred dollars. That is enough money for Pakistan and Afghanistan.
Tribunal President: It sounds to me like you could almost buy a passport with twelve hundred dollars.

Detainee: No, I didn't buy the passport. I met with [redacted] and he gave me the passport. Sometimes you can get a passport for free. After I mentioned my situation to [redacted] he told me he would try and find me a passport. [redacted] found one and told me I had a choice if I wanted to bid for it or not. I told him we were friends and I have money, but you got the passport for free, why do you want to charge me? He gave me the passport but it still needed work and I had to go to Pakistan to take care of it. I didn't have the time to take care of all of it.

Q: If you had to pay for a passport, it would be a very valuable commodity?

A: Yes. It could cost approximately five hundred dollars to one thousand dollars. Of course, I was looking for a passport to leave Afghanistan. Several people looked for these passports.

Tribunal Member: It's a commodity that brings a good price.

Detainee: For a business?

Tribunal Member: Well, five hundred to a thousand dollars. You said you had twelve hundred dollars in Pakistan and Afghanistan and that was a lot of money. Five hundred is a pretty good amount.

Detainee: Yes, this is the cost of the passports and several people want them. These passports come from many places around the world, not necessarily from Pakistan. They get them from Saudi Arabia and Europe. The prices are based on the world market. That was okay with me. I would pay anything within limits. I had money at home that I could have my brother send me.

Tribunal Member: I guess you knew [redacted] pretty well and he just gave you the passport as a friend.

Detainee: As I told you, he tried to charge me.

Tribunal Member: You went back and forth until he decided to give it to you.

Detainee: Yes, that is what happened.

Q: Why didn't you just use your real passport from [redacted]?

A: It is a long story.

Q: There is a reason you didn't have it with you?
A: It is a long story if you would like to read it. It is in the file.

Q: There was a reason? That is what I wanted to know.

A: I didn't have a passport because it was taken away from me. The authorities were looking for me in my country. I was in Afghanistan. I went to Afghanistan in 1997 and went back in 1999. The Pakistani government took my passport away from me. I didn't want to be put in jail. I lived there for two years and I found a house to stay in. It's hard to live somewhere when someone is looking for you. I had to leave again for Jihad. The second time, when I left in 2001, it was because I didn't want to be arrested by the [redacted] government. After staying in the village for two years, I decided I had to leave for Jihad. If the authorities hadn't been looking for me, I might have stayed in my country because I already had a job. It was hard to live with the fact that I was wanted (by authorities), so I left.

Q: It was because you had gone to Afghanistan the first time?

A: Yes, the first time in 1997.

Q: The [redacted] considered that to be (inaudible)(objectionable)?

A: When I was in Afghanistan and tried to leave in 1998, the Pakistani Intelligence captured me at the airport because they were looking for [redacted] At the time, [redacted] worked at the [redacted] receiving people and financing the camp. [redacted] was in Afghanistan taking care of the camp. [redacted] was in Pakistan taking care of business. I was with [redacted] in Pakistan. The authorities looked for me at the airport because [redacted] had purchased my tickets. The Pakistani authorities arrested me in 1998. I was in jail for two months. The Pakistani government couldn't catch [redacted] so they went after the guys getting the training. I was money for them. I was released after two months. I tried to get my passport returned, but they told me they sent it to my Embassy; however, they didn't provide me with anything to show this. In 1998 the [redacted] government arrested many Jihadists, so I was afraid to go the Embassy by myself.

After they took my passport I made bad decisions. I was told I didn't have to go the Embassy, or I would be sent back to [redacted] They put me in jail and tortured me. I decided to get a fake passport and returned to [redacted] in 1999. During that time, I had to wait for the passport. I was in Pakistan, not in Afghanistan. I spent almost nine months in Afghanistan and fifteen months in Pakistan between jail and trying to get my original passport back. I went back to my country in 1999. I wasn't sure if the [redacted] government had my passport or not. I found out I was wanted, but I didn't know why. I didn't know if it was because my passport had expired or if it was because they knew I had been in Afghanistan. Immigration was looking for me. They caught me and turned me over to the [redacted] I was confused because they didn't look for me at my house. I went back to my job and was there for two years. It was hard for me to stay there because my brothers got married and my father wanted me to get married. I couldn't get married because it would create too many variables. I didn't want to make it difficult for my family. They supported me going to Afghanistan. I went back to Afghanistan so I could get a passport and renew my training. As you have said, it's not easy to get a passport. I had friends in Afghanistan that could help me. I went to Afghanistan. I found a guy that was going back to [redacted] so I gave him my brother's passport so he could return it. The [redacted] government captured the guy and they found my brother's passport with my picture on it. I didn't want to make things difficult for my family. I told them I was okay. I chose this life for myself.

The first time I went to Afghanistan was for training. The second time I wasn't prepared to go. The first time I left Afghanistan, I said I was never coming back. I was compelled to go back to Afghanistan to get the passport. I think that was my first mistake. I should have gone to my Embassy in 1998 and told them who I was and that I was in Afghanistan. They might have put me in jail for a while, but they would have released me. At the time, when you are free, it's hard to stay in jail for six months. I won't make this mistake again. I have told the truth here. After I was captured, I told them from the beginning about my training, my relationship with [redacted] and what I know about al Qaida. This is the best way to clear myself. I told you what I did. They will do what they have to do. I'm not going to speculate. If I say this they will put me here forever, or think I am al Qaida. I told them everything. I hope that will help me.

Q: When you were with [redacted] did you ever see Usama Bin Laden?

A: No. As I told you, he [redacted] was working in Pakistan. He had no relation with Usama Bin Laden in 1998. In 2001 [redacted] was closed and [redacted] didn't have a job. In 1998 [redacted] and Usama Bin Laden didn't like each other. In 2001, I think the relationship was okay. Usama Bin Laden put pressure on [redacted] to close [redacted] Everyone that wanted to be a Jihadist needed training. I'm sure you will find several people here are not from al Qaida but they received training at [redacted] because of an agreement. I think Usama Bin Laden is wrong. He just wants to be famous. He doesn't care how he does it, killing people, killing Muslims, or destroying countries. I think he got what he wanted - to be famous. I don't need to meet him. I don't understand the politics. People look at the vision of Usama Bin Laden and believe America is their enemy. They don't understand what is going on or what happened in Afghanistan in 1980. People consider Usama Bin Laden a god. These are my feelings about al Qaida and the Taliban.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]
Colonel, U.S. Marine Corps
Tribunal President